



Hong Kong Watch and ARTICLE 19 Joint Submission to the UN Human Rights Committee in advance of its fourth review of Hong Kong, China

Articles 2, 9, 14, 18, 19, 21 and 22

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Executive Summary

In this joint submission to the UN Human Rights Committee in advance of its fourth review of Hong Kong, China at the 135th session, Hong Kong Watch and ARTICLE 19 highlight the deterioration in access to justice and right to a fair trial, the denial of the freedoms of expression, information, assembly, association, and freedom of religion or belief, and provide recommendations for the Committee to raise with the Hong Kong Government (HKG).

Responding to the Human Rights Committee's List of Issues (LOI), this joint submission addresses questions from the Committee, provides updates on the situation in Hong Kong to be considered during the review, and corrects information provided by Hong Kong, China in its report and reply to the LOI.

1. State of emergency and laws on national security, anti-sedition and antiterrorism (arts. 2, 4, 7, 9, 10, 14, 15, 17, 18, 19, 21, 22 and 25)

In its reply to the LOI, the HKG claims that ‘Article 4 of the NSL clearly stipulates that human rights shall be respected and protected in safeguarding national security... [and that] any measures or enforcement actions taken under the NSL must observe this principle.’ This is untrue. The National Security Law (NSL) forms the legal basis for the majority of human rights abuses outlined in the present submission.

The NSL was imposed, taking effect on 1 July 2020, bypassing the Legislative Council (LegCo)—Hong Kong’s sole legislative body under the Basic Law—in a way fundamentally overturning the Basic Law and the Sino-British Joint Declaration.¹

The NSL introduced vague and overbroad prohibitions on secession, subversion, terrorism, and collusion with foreign forces, carrying maximum penalties of life imprisonment. It provides jurisdiction to prosecute non-Hong Kong residents for alleged offences outside of Hong Kong. Judicial authorities are empowered to deny bail and hold closed trials without a jury. Police can conduct warrantless searches, request platforms to hand over user data, order the censorship of online and offline content, intercept communications, and conduct covert surveillance.²

In this submission, we acknowledge that the NSL has been the frequent subject of communications from the Special Procedures of the Human Rights Council, namely: CHN 7/2020;³ CHN 13/2020;⁴ CHN 17/2020;⁵ and most recently CHN 3/2022.⁶ As such, rather than reiterating an analysis of specific provisions of concern within the NSL, the following submission addresses specific human rights abuses resulting from the NSL and other legislation.

We urge the Committee to:

- **Call for the immediate and full repeal of the National Security Law.**

¹ Joint Declaration on the question of Hong Kong (1985), available at:

<https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800d4d6e>.

² ARTICLE 19, Blog: A year of creeping darkness under the National Security Law in Hong Kong, 29 June 2021, available at: <https://www.article19.org/resources/darkness-under-national-security-law-hong-kong/>.

³ OL CHN 7/2020, 23 April 2020, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25196>.

⁴ CHN 13/2020, 19 June 2020, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25354>.

⁵ CHN 17/2020, 1 September 2020, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25487>.

⁶ CHN 3/2022, 14 February 2022, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27082>.

2. Access to justice, independence of the judiciary and the right to a fair trial (arts. 2 and 14)

Articles 25 and 39 of Hong Kong's Basic Law and Article 10 of the Hong Kong Bill of Rights Ordinance enshrine the right to a fair trial in Hong Kong. Article 5 of the NSL holds that 'The principle of the rule of law shall be adhered to in preventing, suppressing, and imposing punishment for offences endangering national security.'

In fact, the abuse of the law to crackdown on political opponents has been central to Beijing's strategy in Hong Kong. Since the pro-democracy protest movement started in 2019, more than 10,000 people have been arrested in protest-related cases and over 2,300 charged.⁷ As of 28 March 2022, 183 people have been arrested under the NSL since its introduction in July 2020. Many of them have been detained and are facing prosecution under the NSL and illegal-assembly rules.⁸ As of the start of 2022, there were 721 political prisoners in Hong Kong, with 555 given custodial sentences and 166 detained pending trial.⁹ This section examines some of the cases, outlining issues around access to justice, independence of the judiciary, and the right to a fair trial.

2.1. Lengthy pre-trial detention and denial of bail

The HKG has further intensified pressure on pro-democracy activists through lengthy pre-trial detention, including by denying bail. For example, of 113 individuals charged under the NSL, three-quarters have been denied bail. The January 2021 arrest and lengthy pre-trial detention of 47 pro-democracy activists is emblematic.¹⁰ More than 50 of Hong Kong's most prominent pro-democracy activists and politicians, including former legislators James To, Lam Cheuk-ting, Claudia Mo, and Leung Kwok-hung were detained in a police raid on 72 locations that involved 1,000 officers on the morning of 6 January 2021.¹¹ On 28 February, 47 of them were charged with 'subversion' under the NSL for their part in an unofficial election primary in 2020.¹² The OHCHR

⁷ Helen Davidson, Hong Kong plans megacourt to deal with protest arrests backlog, *The Guardian*, 7 October 2021, available at: <https://www.theguardian.com/world/2021/oct/07/hong-kong-plans-megacourt-deal-protest-arrests-backlog>.

⁸ Hong Kong Watch, Timeline of Arrests, Prosecution and Sentencing, available at: <https://www.hongkongwatch.org/political-prisoners-database> [accessed on 11 May 2022].

⁹ *Ibid.*

¹⁰ Helen Davidson, Hong Kong arrests: who are the pro-democracy activists being targeted?, *The Guardian*, 6 January 2021, available at: <https://www.theguardian.com/world/2021/jan/06/hong-kong-arrests-who-are-the-pro-democracy-activists-being-targeted>

¹¹ *BBC News*, National security law: Hong Kong rounds up 53 pro-democracy activists, 6 January 2021, available at: <https://www.bbc.com/news/world-asia-china-55555299>.

¹² *BBC News*, Hong Kong charges 47 activists in largest use yet of new security law, 1 March 2021, available at: <https://www.bbc.com/news/world-asia-china-56228363>.

called the arrests indicative that ‘subversion under the [NSL] is indeed being used to detain individuals for exercising legitimate rights to participate in political and public life.’¹³

At the time of writing, only 14 have been released on bail, with the rest waiting more than 16 months in pre-trial custody. Applications for bail have been repeatedly denied. Gary Fan, a former lawmaker, applied for bail for a second time in April 2022, citing the deteriorating health of his family members, but was again denied.¹⁴ Reasons for denying bail for those detained included unanswered emails from the U.S. Consulate and WhatsApp messages with foreign journalists, which were used to argue that there was a risk that defendants could endanger national security if released on bail.¹⁵ In April 2022, the trial of the 47 was again adjourned until June,¹⁶ a year and a half after the initial arrests.

This amounts to an unlawful deprivation of liberty and in contravention of Article 9 in the International Covenant of Civil and Political Rights (ICCPR), as outlined in General Comment No. 35:

Detention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime.

The relevant factors should be specified in law and should not include vague and expansive standards such as “public security”.

Extremely prolonged pretrial detention may also jeopardize the presumption of innocence under article 14, paragraph 2.109 Persons who are not released pending trial must be tried as expeditiously as possible, to the extent consistent with their rights of defence.

¹³ *UN News*, Hong Kong: UN human rights office urges immediate release of arrested activists, 7 January 2021, available at: <https://news.un.org/en/story/2021/01/1081552>.

¹⁴ Almond Li, Hong Kong nat'l security judge urges speedy trial for 47 democrats, more than a year after most taken into custody, *Hong Kong Free Press*, 26 April 2022, available at: <https://hongkongfp.com/2022/04/26/hong-kong-natl-security-judge-urges-speedy-trial-for-47-democrats-more-than-a-year-after-most-taken-into-custody/>.

¹⁵ Jessie Pang and James Pomfret, Trial of 47 Hong Kong democracy activists charged with conspiracy to commit subversion adjourned till March, *Reuters*, 29 November 2021, available at: <https://www.reuters.com/world/china/trial-47-hong-kong-democracy-activists-charged-with-conspiracy-commit-subversion-2021-11-29/>.

¹⁶ Jessie Pang and James Pomfret, Landmark case for 47 Hong Kong democrats adjourned until June, *Reuters*, 28 April 2022, available at: <https://www.reuters.com/world/asia-pacific/landmark-case-47-hong-kong-democrats-adjourned-until-june-2022-04-28/>.

*When delays become necessary, the judge must reconsider alternatives to pretrial detention.*¹⁷

2.2. Independence of the judiciary

In its reply to the LOI, the HKG claims that ‘the courts exercise judicial power independently, free from any interference.’ This is not the case. Very little is known of how judges are put on (or taken off) the list to hear cases under the NSL, which grants the Chief Executive sole discretion to appoint judges on national security cases and prohibits any judge from serving ‘if he or she has made any statement or behaved in any manner endangering national security.’¹⁸

In its six-monthly report on Hong Kong - July to December 2021 - the British Foreign, Commonwealth and Development Office (FCDO) notes:

There were a number of cases of intimidation against judges. Judges reported receiving threatening phone calls and threatening letters, particularly after ruling on cases related to the 2019 protests. On 11 and 16 November, courts reported receiving letters targeting judicial staff and containing white powder. The Hong Kong Bar Association and the Hong Kong Law Society condemned the attempts at intimidation. The judiciary expressed grave concern at the ‘attempts to exert improper pressure.’¹⁹

Sham Siu-man, a former district judge in Hong Kong, was vilified by Hong Kong’s pro-Beijing media after acquitting eight protesters involved in a protest in Wan Chai on 31 August 2019, and another six who were charged with rioting during a protest on 1 October 2019,²⁰ also in Wan Chai. He was forced to take early retirement, and decided to leave the city for the UK, becoming the first Hong Kong judge to move out of the territory after the enactment of the NSL.²¹

In March 2022, two of Britain’s most senior judges resigned from Hong Kong’s top court, the Court of Final Appeal, citing Beijing’s imposition of the NSL. These were Lord Robert Reed, president of the Supreme Court of the UK, and Lord Patrick Hodge, Deputy President of the Supreme Court of the UK.²² Speaking of his decision, Lord Reed said, “I have concluded, in agreement with the government, that the judges of the supreme court cannot continue to sit in

¹⁷ UN Human Rights Committee, Draft general comment No.35: Article 9: Liberty and security of person, UN Doc CCPR/C/GC/R.35/Rev.3, 10 April 2014, available at:

https://www.ohchr.org/Documents/HRBodies/CCPR/GConArticle9/DGC_Article9_RighttoLiberty.doc.

¹⁸ National Security Law, Article 44.

¹⁹ UK Government Foreign, Commonwealth & Development Office, Six-monthly report on Hong Kong: July to December 2021, 31 March 2022, available at: <https://www.gov.uk/government/publications/six-monthly-report-on-hong-kong-1-july-to-31-december-2021#:~:text=This%20is%20the%2050th%20in,to%20Parliament%20on%20Hong%20Kong>.

²⁰ Didi Tang, Hong Kong judge who acquitted protesters seeks new life in Britain, *The Times*, 11 October 2021,

available at: <https://www.thetimes.co.uk/article/hong-kong-judge-who-acquitted-protesters-seeks-new-life-in-britain-vgqxj3kl2>.

²¹ Maisy Mok, First judge leaves city for UK, *The Standard*, 11 October 2021, available at:

<https://www.thestandard.com.hk/section-news/section/4/234945/First-judge-leaves-city-for-UK>.

²² Primrose Riordan and Jane Croft, Two senior UK judges resign from Hong Kong’s top court, *Financial Times*, 30 March 2022, available at: <https://www.ft.com/content/85702128-e2d6-488e-9e78-4e99f2cdd6f0>.

Hong Kong without appearing to endorse an administration which has departed from values of political freedom, and freedom of expression, to which the justices of the supreme court are deeply committed.”²³

The UK Foreign Secretary, Liz Truss, supported the withdrawal of serving UK judges from the Hong Kong Court of Final Appeal, highlighting, ‘a systematic erosion of liberty and democracy in Hong Kong. Since the NSL was imposed, authorities have cracked down on free speech, the free press and free association... The situation has reached a tipping point where it is no longer tenable for British judges to sit on Hong Kong’s leading court, and would risk legitimising oppression.’ UN independent experts have conveyed their concerns that the ‘application of the [NSL] also raises fair trial concerns’ and noted the need for a ‘reinvigoration of an independent judiciary in Hong Kong.’²⁴

We urge the Committee to:

- **Call on the HKG to immediately end all criminal prosecution against and unconditionally release all individuals arbitrarily detained, awaiting trial and imprisoned for exercising their rights to freedom of expression, assembly, and association.**
- **Call on the HKG to ensure access to effective remedy for those arbitrarily detained and denied access to justice.**
- **Call on the HKG to guarantee judicial independence and cease interference with the judicial process on national security grounds.**

²³ Haroon Siddique and Helen Davidson, UK judges withdraw from Hong Kong’s court of final appeal, *The Guardian*, 30 March 2022, available at: <https://www.theguardian.com/world/2022/mar/30/uk-judges-withdraw-from-hong-kong-court-of-final-appeal>.

²⁴ OHCHR, Hong Kong: Arrests under security law are serious concern, UN experts call for review, 12 October 2021, available at: <https://www.ohchr.org/en/press-releases/2021/11/hong-kong-arrests-under-security-law-are-serious-concern-un-experts-call>.

3. Freedom of expression and information (art. 19)

Freedom of expression in Hong Kong has been severely curtailed since the enactment of the NSL. The independent press has been crushed. The NSL has been used to silence independent voices, and journalists have been hounded out of their jobs and experienced serious threats to their personal security. The HKG is increasingly policing what can and cannot be accessed online, and academic, artistic and cultural freedoms have been significantly reduced.

3.1. Press freedom

Responding to the LOI, the HKG claims to be ‘firmly committed to protecting and respecting the freedom of the press... to maintaining a facilitative environment for the media to report news and perform its role as a watchdog over public affairs. The Government does not interfere with the editorial work of media organisations and does not exercise censorship in traditional media or over the internet.’ In reality, press freedom has been rapidly and dramatically dismantled in Hong Kong over the past two years. From police violence targeting media workers covering pro-democracy protests in 2019, to police raids of newsrooms in 2020 and 2021, and from the forcible closure of independent media outlets to the arrest and imprisonment of journalists and media executives, the HKG has destroyed media freedom.

According to Reporters Without Borders (RSF)’s 2022 Press Freedom Index, out of 180 countries Hong Kong has plummeted from 80th to 148th for press freedom. For context of the continuous deterioration in press freedom in Hong Kong, in 2002—when the Index first began—Hong Kong was graded 18th in the index.²⁵

The Hong Kong Journalists Association found that of the 222 journalists surveyed on ‘violence against journalists when covering public order events,’ 194 (87 percent) said they had been treated violently, while 141 (64 percent) reported experiencing police violence while reporting, including physical and verbal abuse and deliberate obstruction.²⁶

In an April 2022 report, *In the Firing Line: The Crackdown on Media Freedom in Hong Kong*, Hong Kong Watch documented several first-hand accounts of police violence. One former *South China Morning Post* photojournalist, a foreign national, said he was teargassed at close range, targeted deliberately as a journalist. “I was in Lockhart Road in Causeway Bay on one occasion, with two other photographers, and we saw the police punching a guy and pushing him into a van. I took pictures of the guy being punched and the riot police turned around and sprayed a gel at me, which went over every part of my body. My camera was dripping with this gel. And then it started

²⁵ Reporters Without Borders, Press Freedom Index 2022: Hong Kong, available at: <https://rsf.org/en/country/hong-kong>.

²⁶ Hong Kong Journalists Association, Hong Kong Press Freedom Index hits record low; Police obstruct news activities using violence viewed as the major reason in decline, 11 May 2020, available at: <https://www.hkja.org.hk/en/press-release/hong-kong-press-freedom-index-hits-record-low-police-obstruct-news-activities-using-violence-viewed-as-the-major-reason-in-decline/>.

to burn. My whole body was burning,” he said.²⁷ On another occasion in Happy Valley, he and some other photographers had stopped by the side of the road to take a break: “We were sitting on the ground, and we had taken off our gear, our masks and helmets, and other protective gear. The police came and sprayed teargas directly at us. The hatred that the police showed against the media was shocking.”

Since the imposition of the NSL on 1 July 2020, almost all independent and pro-democracy media outlets have been forced to close. At least 18 journalists have been arrested and 12 journalists and media executives are in jail awaiting trial.²⁸

In a major blow to press freedom, on 17 June 2021, Hong Kong authorities raided *Apple Daily* offices, accusing the newspaper of violating the overbroad NSL. Police seized electronic devices, froze assets, and arrested senior editors and executives.²⁹ Since then, at least eight *Apple Daily* staff have been arrested under the NSL.³⁰ The 26-year-old independent publication has been forced to shut down, along with its parent company, *Next Digital*, citing a ‘climate of fear.’³¹ *Apple Daily’s* founder, 73-year-old Jimmy Lai, has also been charged with colluding with foreign forces under the NSL.³² He is still awaiting trial for this NSL offence while in prison for several other offences—the most recent being a 13 month sentence for participating in a vigil marking the 1989 Tiananmen massacre.³³

Following the June raid on *Apple Daily’s* office, in an apparent act of self-censorship, pro-democracy publication *Stand News* announced that it was removing thousands of political commentaries from its website, out of fear of NSL persecution, even though about half of them

²⁷ Hong Kong Watch, In the Firing Line: The Crackdown on Media Freedom in Hong Kong, 2022, available at: https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/6267a85f333d890e0d1df0da/1650960491043/final5_HKWRReport_The+Crackdown+on+Media+Freedom+in+Hong+Kong.pdf.

²⁸ *Ibid.*

²⁹ ARTICLE 19, Hong Kong: End persecution of independent media under the National Security Law, 17 June 2021, available at: <https://www.article19.org/resources/hong-kong-persecution-of-independent-media-national-security-law/>; and *Reuters*, HK’s Apple Daily raided by 500 officers over national security law, 17 June 2021, available at: <https://www.reuters.com/world/asia-pacific/hong-kongs-apple-daily-newspaper-says-police-arrest-five-directors-2021-06-16/>.

³⁰ Clifford Lo and Jeffie Lam, Hong Kong national security law: 4 former Apple Daily staff charged with conspiracy to collude with foreign forces, *South China Morning Post*, 21 July 2021, available at: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3141901/national-security-law-list-apple-daily-arrests-grows>.

³¹ Michelle Toh, Sasha Chua and Chandler Thornton, ‘A climate of fear’: Hong Kong media company behind shuttered Apple Daily admits defeat, *CNN Business*, 7 September 2021, available at: <https://edition.cnn.com/2021/09/06/media/next-digital-apple-daily-liquidation-intl-hnk/index.html>.

³² ARTICLE 19, Hong Kong: End persecution of independent media under the National Security Law, 17 June 2021, available at: <https://www.article19.org/resources/hong-kong-persecution-of-independent-media-national-security-law/>.

³³ *BBC News*, Hong Kong: Media tycoon Jimmy Lai gets 13 months jail for Tiananmen vigil, 13 December 2021, available at: <https://www.bbc.co.uk/news/world-asia-china-59632728>.

had been written before the law came into effect.³⁴ In December 2021, police raided *Stand News*' office, froze their assets, and arrested seven senior staff, aged 34-73, on suspicion of 'conspiracy to publish seditious publications' under the NSL.³⁵ On 30 December, chief editor Chung Pui-kuen and acting chief editor Patrick Lam were denied bail.³⁶ On 29 December 2021, *Stand News* announced that it was ceasing operations.³⁷

On 3 January 2022, *Citizen News*, another independent news publication, announced it too was shutting down. In its announcement, the publication explained its decision was triggered by the closure of *Stand News*, referencing the 'deteriorating' media environment and staff safety.³⁸

The public broadcaster *Radio Television Hong Kong* (RTHK) has also faced increasing control and censorship. In May 2020, RTHK suspended its political satire program *Headliner*, which had been on air since 1989, following a government complaint over an episode making fun of the Hong Kong police.³⁹ In February 2021, the HKG announced that Patrick Li Pak-chuen would become the new director of RTHK as of 1 March.⁴⁰ In September, Li imposed a number of new editorial guidelines such as that 'the station must support the government in safeguarding national security and interests,' that his prior approval would be required for broadcast content, and that

³⁴ Lilian Cheng, National security law: self-censorship concerns mount after Hong Kong's Stand News purges comment pieces, some touching on sanctions, *South China Morning Post*, available at: <https://www.scmp.com/news/hong-kong/politics/article/3139076/national-security-law-self-censorship-concerns-mount-after>.

³⁵ Edmond Ng and James Pomfret, Hong Kong pro-democracy Stand News closes after police raids condemned by U.N., Germany, *Reuters*, 29 December 2021, available at: <https://www.reuters.com/business/media-telecom/hong-kong-police-arrest-6-current-or-former-staff-online-media-outlet-2021-12-28/>.

³⁶ Clare Jim and Sara Cheng, Hong Kong court denies bail to former Stand News editors charged with sedition, *Reuters*, 30 December 2021, available at: <https://www.reuters.com/business/media-telecom/hong-kong-leader-says-stand-news-arrests-not-aimed-media-industry-2021-12-30/>.

³⁷ *BBC News*, Stand News: Independent outlet to close after senior staff arrested, 29 December 2021, available at: <https://www.bbc.co.uk/news/world-asia-59807734>.

³⁸ Jessie Pang and Edmond Ng, Hong Kong's Citizen News says closure triggered by Stand News collapse, *Reuters*, 3 January 2022, available at: <https://www.reuters.com/world/china/hong-kongs-citizen-news-says-closure-triggered-by-stand-news-collapse-2022-01-03/>.

³⁹ Amy Gunia, Hong Kong's Public Broadcaster Suspends Satirical TV Show After Complaints Over Police Portrayal, *Time*, 20 May 2020, available at: <https://time.com/5839287/radio-television-hong-kong-press-freedom-headliner/>.

⁴⁰ Selina Cheng, Head of Hong Kong public broadcaster RTHK steps down 6 months before term ends, *Hong Kong Free Press*, 19 February 2021, available at: <https://hongkongfp.com/2021/02/19/head-of-hong-kong-public-broadcaster-rthk-steps-down-6-months-before-term-ends/>.

employees whose programs are deemed to violate the NSL would be fined.⁴¹ The changes amount to a loss of editorial independence.⁴²

Several prominent RTHK journalists have also been fired or have resigned. In November 2020, award-winning journalist Choy Yuk-ling, known as 'Bao Choy,' was arrested and charged with making false statements under the Road Traffic Ordinance.⁴³ She was one of the producers in an investigative documentary about the July 2019 mob attack in Yuen Long in which a group of men had attacked metro passengers while the police did nothing. She was suspended from RTHK.⁴⁴

The Yuen Long attack resulted in at least 45 injuries, and suspicions were aroused about why the police responded so slowly, despite numerous calls to the emergency police number.⁴⁵ Using CCTV footage to identify vehicles parked near the site, Bao Choy requested and obtained publicly available vehicle registration records to identify the owners and therefore potential suspects. In April 2021 Bao Choy was convicted and fined \$6,000 HKD (approximately \$770 USD).⁴⁶ 'Bao Choy was only doing her job and collecting information in the public's interest and should never have been prosecuted, let alone convicted and fined,' said Cedric Alvani, RSF East Asia bureau head. 'The fact that a journalistic investigation could become a punishable offence highlights the extent of the recent decline in press freedom in Hong Kong.'⁴⁷

Nabela Qoser, a reporter well-respected for her tough questioning of government officials, particularly following the Yuen Long attack, was subjected to a disciplinary investigation in 2020 by RTHK. On 21 January 2021, RTHK replaced her employment contract with a temporary 120-day contract. At the end of May 2021, RTHK announced that her contract would not be renewed

⁴¹ RTHK, RTHK issues new editorial guidelines, 29 September 2021, available at:

<https://news.rthk.hk/rthk/en/component/k2/1612799-20210929.htm>; and Angeli Datt, The Impact of the National Security Law on Media and Internet Freedom in Hong Kong, Freedom House, 8 September 2021, available at: https://freedomhouse.org/article/impact-national-security-law-media-and-internet-freedom-hong-kong#footnoteref41_w5gndx9.

⁴² ARTICLE 19, Blog: A year of creeping darkness under the National Security Law in Hong Kong, 29 June 2021, available at: <https://www.article19.org/resources/darkness-under-national-security-law-hong-kong/>.

⁴³ Committee to Protect Journalists, Hong Kong police arrest, charge producer Choy Yuk Ling for research on mob attack documentary, 3 November 2020, available at: <https://cpj.org/2020/11/hong-kong-police-arrest-charge-producer-choy-yuk-ling-for-research-on-mob-attack-documentary/>.

⁴⁴ Selina Cheng, Interview: Hong Kong's 'fragile' freedoms had never taken root, says journalist Bao Choy following conviction over documentary, *Hong Kong Free Press*, 3 May 2021, available at: <https://hongkongfp.com/2021/05/03/interview-hong-kongs-fragile-freedoms-had-never-taken-root-says-journalist-bao-choy-following-conviction-over-documentary/>.

⁴⁵ *BBC News*, Yuen Long attack: Hong Kong police accused of 're-writing history', 26 August 2020, available at: <https://www.bbc.com/news/world-asia-china-53915500>.

⁴⁶ Zen Soo, Hong Kong journalist convicted for accessing public records, *Associated Press*, 22 April 2021, available at: <https://apnews.com/article/asia-pacific-journalists-hong-kong-785beeac9c923925197734b9f16787c2>.

⁴⁷ Reporters Without Borders, Hong Kong: investigative journalist Bao Choy convicted of 'false statements', 22 April 2021, available at: <https://www.ecoi.net/de/dokument/2050159.html>.

and she was effectively sacked.⁴⁸ Her programme, *This Week*, won the 25th Hong Kong Human Rights Press Awards, presided over by a panel that included Amnesty International Hong Kong, the Hong Kong Journalists Association, and the Foreign Correspondents Club, Hong Kong (FCC HK) on 6 May 2021. Bao Choy's team also won an award, but RTHK declined to accept the awards.⁴⁹

Yvonne Tong, another RTHK journalist, resigned in early April 2021 noting it had become impossible for her to do her job due to harassment from pro-Beijing groups.⁵⁰ Her resignation followed her March 2020 interview with World Health Organisation advisor Dr Bruce Aylward, in which the official refused to answer questions about Taiwan's Covid response or WHO membership chances.⁵¹

October 2021 restrictions on access to public records also imposed arbitrary limitations on journalists' ability to carry out investigative reporting.⁵² The Companies Registry and Land Registry introduced new measures requiring people to disclose their names and identification document numbers before conducting searches. Those accessing information also had to agree to a statement confirming that personal data obtained in the records will not be used in violation of the Personal Data (Privacy) Ordinance.

Foreign correspondents have also faced increasing restrictions.⁵³ In July 2020, the Hong Kong Immigration Department denied a work permit for Australian journalist Chris Buckley, who writes for the *New York Times*.⁵⁴ In August 2020, Irish journalist Aaron McNicholas was denied a visa to

⁴⁸ Tom Grundy, Broadcaster RTHK axes contract of reporter known for grilling Hong Kong officials, *Hong Kong Free Press*, 3 May 2021, available at: <https://hongkongfp.com/2021/05/03/rthk-axes-contract-for-reporter-known-for-grilling-hong-kong-officials/>; and *The Standard*, RTHK ends Nabela Qoser contract, 3 May 2021, available at: <https://www.thestandard.com.hk/breaking-news/section/4/171290/RTHK-ends-Nabela-Qoser-contract>.

⁴⁹ Human Rights Press Awards, 25th Human Rights Press Awards (2021) Winners, available at: <https://humanrightspressawards.org/winners-2021>.

⁵⁰ Huang Tzu-ti, Journalist who confronted WHO official over Taiwan quits amid pro-China pressure, *Taiwan News*, 13 April 2021, available at: <https://www.taiwannews.com.tw/en/news/4175703>

⁵¹ Helen Davidson, Senior WHO adviser appears to dodge question on Taiwan's Covid-19 response, *The Guardian*, 30 March 2020, available at: <https://www.theguardian.com/world/2020/mar/30/senior-who-adviser-appears-to-dodge-question-on-taiwans-covid-19-response>.

⁵² Kelly Ho, Hong Kong's new rules on accessing gov't records put journalists at 'unnecessary' risk, press group says, *Hong Kong Free Press*, 26 October 2021, available at: <https://hongkongfp.com/2021/10/26/hong-kongs-new-rules-on-accessing-govt-records-put-journalists-at-unnecessary-risk-press-group-says/>.

⁵³ International Federation of Journalists, Hong Kong: Hong Kong government denies visa of The Economist correspondent, 15 November 2021, available at: <https://www.ifj.org/media-centre/news/detail/category/women-workers/article/hong-kong-hong-kong-government-denies-visa-of-the-economist-correspondent.html#:~:text=The%20Hong%20Kong%20government%20has,members%20of%20the%20foreign%20Opress>.

⁵⁴ Committee to Protect Journalists, Hong Kong denies work permit to New York Times correspondent Chris Buckley, 15 July 2020, available at: <https://cpi.org/2020/07/hong-kong-denies-work-permit-to-new-york-times-correspondent-chris-buckley/>.

work with the local *Hong Kong Free Press*.⁵⁵ In November 2021, Hong Kong immigration authorities declined to renew the visa for *The Economist*'s China correspondent Sue-Lin Wong.⁵⁶

On 23 April 2022 the FCC HK cancelled the annual Human Rights Press Awards. In a letter to its members, the club President explained, 'over the last two years, journalists in Hong Kong have been operating under new "red lines" on what is and is not permissible, but there remain significant areas of uncertainty and we do not wish unintentionally to violate the law. This is the context in which we decided to suspend the Awards.'⁵⁷ According to *Hong Kong Free Press*, the decision to cancel the award was related to *Stand News*, noted above, being awarded several prizes. Eight members of the FCC HK's Press Freedom Committee, responsible for the award, resigned in protest.⁵⁸

By dismantling media freedom in Hong Kong, the governments of the People's Republic of China and the Hong Kong Special Administrative Region are in flagrant violation of Hong Kong's Basic Law, the ICCPR, and the Universal Declaration of Human Rights. The Sino-British Joint Declaration promised that Hong Kong's basic freedoms and a high degree of autonomy would be upheld at least for the first fifty years after the handover in 1997. Instead, Hong Kong has moved rapidly from being a vibrant beacon of press freedom in the region, to being one of the world's most repressive environments for the media.

A proposed anti-"fake news" law raises additional freedom of expression concerns. In April 2021, Hong Kong's Police Commissioner, now Security Secretary Chris Tang warned that media outlets publishing "fake news" would be investigated as a matter of national security⁵⁹ and called for a new law to combat so-called "fake news."⁶⁰ The HKG has announced plans to table the anti-"fake news" legislation in 2022, although a draft has not been made public at the time

⁵⁵ Helen Davidson, Hong Kong Free Press journalist denied visa amid fears for media freedom, *The Guardian*, 27 August 2020, available at: <https://www.theguardian.com/world/2020/aug/27/hong-kong-free-press-journalist-denied-visa-amid-fears-for-media-freedom>.

⁵⁶ Committee to Protect Journalists, Hong Kong refuses visa renewal for Economist correspondent Sue-Lin Wong, 15 November 2021, available at: <https://cpj.org/2021/11/hong-kong-refuses-visa-renewal-for-economist-correspondent-sue-lin-wong/>.

⁵⁷ FCC, Message from the President on World Press Freedom Day, 3 May 2022, available at: <https://www.fcchk.org/press-freedom/hrpa/>.

⁵⁸ Hillary Leung, Human Rights Press Awards axed after Stand News wins; 8 FCC press freedom committee members quit – sources, *Hong Kong Free Press*, 25 April 2022, available at: <https://hongkongfp.com/2022/04/25/human-rights-press-awards-axed-after-stand-news-wins-8-fcc-press-freedom-committee-members-quit-sources/>.

⁵⁹ Selina Cheng, Video: 'Fake news' that endangers national security will be probed says Hong Kong police chief, *Hong Kong Free Press*, 16 April 2021, available at: <https://hongkongfp.com/2021/04/16/video-fake-news-that-endangers-national-security-will-be-probed-says-hong-kong-police-chief/>.

⁶⁰ Natalie Wong and Jeffie Lam, Hong Kong police chief wants 'fake news' law as he ramps up attacks on newspaper he accused of inciting hatred, *South China Morning Post*, 20 April 2021, available at: <https://www.scmp.com/news/hong-kong/politics/article/3130348/hong-kong-police-chief-wants-fake-news-law-he-ramps-attacks>.

of writing.⁶¹ ARTICLE 19 has repeatedly expressed concern with “fake news” laws across the region and has reiterated that while disinformation and propaganda can create real harms, governments have also exploited “fake news” laws to stifle free expression.⁶²

We urge the Committee to:

- **Call on the HKG to end all ongoing criminal proceedings against media houses and unfreeze their assets.**
- **Call on the HKG to immediately and unconditionally release journalists, editors, and other media workers arbitrarily detained, including Jimmy Lai, Chung Pui-kuen, and Patrick Lam.**
- **Call on the HKG to abandon the proposed anti-‘fake news’ legislation.**

3.2. Internet freedom

In its response to the LOI, the HKG also claimed that it ‘does not exercise censorship ... over the internet.’ This statement is false. The HKG has actively restricted internet freedom.

Article 43 of the NSL empowers the authorities to, among other things, search (43.1) and seize (43.3) electronic devices, intercept communications and conduct covert surveillance with approval from the Chief Executive (43.6), as well as to order a person or service provider to delete information (43.4). A 6 July 2020 Implementation rule for Article 43 clarifies the authorities’ censorship powers where online content is deemed a potential violation of the NSL, stating that police may order the deletion of or block content access by the content publisher, platform service provider, hosting service provider and/or network service provider. Failure to comply, by individuals or service providers, carries the potential of a fine of 100,000 HKD (approximately 12,740 USD) and one year imprisonment.⁶³ These provisions are vague and overbroad and contrary to Hong Kong’s obligations under the ICCPR.

In January 2021, authorities ordered telecommunications operators to block access to *HKChronicles*, a website focused on identifying police officers accused of excessive force during

⁶¹ Ng Kang-chung, Hong Kong study on combating fake news and disinformation online to be completed in June, *South China Morning Post*, 14 February 2022, available at: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3167034/hong-kong-study-combating-fake-news-and-disinformation>.

⁶² See, for example: ARTICLE 19, Blog: Protecting journalists means safeguarding internet freedom in Hong Kong, 2 November 2021, available at: <https://www.article19.org/resources/protecting-journalists-means-safeguarding-internet-freedom-hong-kong/>.

⁶³ ‘Implementation Rules for Article 43 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (Implementation Rules) were gazetted today (July 6) and will take effect on July 7.’ The Government of Hong Kong, Implementation Rules for Article 43 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region gazette, 6 July 2020, available at: <https://www.info.gov.hk/gia/general/202007/06/P2020070600784.htm>.

the 2019 anti-extradition protests.⁶⁴ In February 2021, Hong Kong netizens reported that the website of the Taiwan Transitional Justice Commission was no longer accessible without a Virtual Private Network (VPN).⁶⁵ In April, the website of a Taiwanese church was likewise blocked in Hong Kong following an editorial in the Chinese Communist Party-controlled *Wen Wei Po* newspaper attacking the church for supporting individuals fleeing Hong Kong.⁶⁶

In early June, two foreign-hosted websites were also temporarily taken down, with at least one a direct response to pressure from Hong Kong authorities. Hong Kong pro-democracy leader in exile Nathan Law's website *2021 Hong Kong Charter* was removed for several days by its hosting company, Israel-based Wix, following a request from the Hong Kong police.⁶⁷ US-based Hong Kong Liberation Coalition also reported that its WordPress-hosted website had been taken down in June. WordPress denied acting under pressure from Hong Kong police but failed to provide further explanation about their decision. The group's founder, Baggio Leung, noted he suspected it was related to the HKG.⁶⁸

On 10 September 2021, Hong Kong Alliance in Support of Patriotic Democratic Movements of China (HK Alliance), the organisation behind the annual Tiananmen Square memorial, reported that the police were ordering them under the NSL to remove 'designated electronic content' from their website, Facebook page, and other electronic platforms, resulting in the organisation deleting its online presence.⁶⁹ In late September, authorities also blocked access to the *June 4th Museum of Memory and Human Rights*⁷⁰ website run by HK Alliance.⁷¹

⁶⁴ Rhoda Kwan, In a first under security law, Hong Kong police order telecom firms to block anti-gov't doxing website – report, *Hong Kong Free Press*, 11 January 2021, available at: <https://hongkongfp.com/2021/01/11/in-a-first-under-security-law-hong-kong-police-order-telecoms-firms-to-block-anti-govt-doxing-website/>.

⁶⁵ Deutsche Welle, How China's national security law threatens Hong Kong's internet freedom, *Taiwan News*, 18 February 2021, available at: <https://www.taiwannews.com.tw/en/news/4130637>.

⁶⁶ Hwang Chun-mei, Taiwan Church Website Blocked by Hong Kong National Security Police, *Radio Free Asia*, 26 April 2021, available at: <https://www.rfa.org/english/news/china/hongkong-taiwan-04262021140315.html>.

⁶⁷ Kelvin Chan, Hong Kong police tell foreign hosting firm to remove website, *AP News*, 3 June 2021, available at: <https://apnews.com/article/middle-east-hong-kong-europe-police-technology-b937510d587c77249cadd5d0ff89fd7f>.

⁶⁸ Selina Cheng, WordPress denies Hong Kong police pressured it to censor pro-democracy exile group's website, *Hong Kong Free Press*, 5 June 2021, available at: <https://hongkongfp.com/2021/06/05/pro-democrat-exile-group-claims-pressure-from-hong-kong-police-forced-wordpress-to-censor-website/>.

⁶⁹ Vivian Wang, Hong Kong Forces Tiananmen Vigil Group to Delete Online Presence, *New York Times*, 17 September 2021, available at: <https://www.nytimes.com/2021/09/17/world/asia/hong-kong-tiananmen-square-alliance-facebook.html>; see also, @hkalliance on Facebook for original message in Chinese: <https://web.facebook.com/hkalliance/posts/10222295552266>.

⁷⁰ Website available outside of Hong Kong at <https://8964museum.com/>.

⁷¹ Kenji Kawase, Hong Kong internet access blocked to online Tiananmen museum, *Nikkei Asia*, 29 September 2021, available at: <https://asia.nikkei.com/Spotlight/Hong-Kong-security-law/Hong-Kong-internet-access-blocked-to-online-Tiananmen-museum>.

In a brazen act of extraterritorial reach under the NSL, in February 2022, authorities partially blocked access to the website of UK-based human rights organization Hong Kong Watch (one of the two parties to this joint-submission).⁷² Authorities at the time did not provide a reason for the targeted blockage. On 16 February, Hong Kong Watch emailed the office of the Chief Executive asking for clarification. The matter was transferred to the Hong Kong National Security Bureau who replied on 10 March 2022.

The National Security Bureau, citing Article 29 of the NSL, accused Hong Kong Watch and its founder British citizen Benedict Rogers with ‘Collusion with a Foreign Country or with External Elements to Endanger National Security,’ a crime carrying from three years to life imprisonment. The accusation appears to stem from the organisation’s human rights documentation and advocacy, all protected peaceful expression under international human rights law, for which there are added protections for human rights defenders.

In exercising their powers under Article 43 of the NSL, Hong Kong Security Secretary and Police Commissioner authorised a notice requiring Hong Kong Watch to delete its website within 72 hours of receiving the notice, and expressed that failure to comply could result in a fine of 100,000 HKD (approximately 12,740 USD) and imprisonment up to one year.⁷³

Censorship and self-censorship following the imposition of the NSL has also resulted in extensive content removal of independent media. For example, following the crackdown noted above, *Apple Daily* was forced to remove all of its online content. Before its closure, in May 2021 *Apple Daily*’s website had received nearly 18.7 million visitors alone. *Apple Daily* had 2.6 million followers on Facebook, 1.89 million on YouTube, and more than 500,000 on Twitter.⁷⁴ RTHK, following management changes noted above, removed hundreds of videos from YouTube and Facebook, cancelled long-running political programs, and deleted their Twitter account.⁷⁵ And in

⁷² Vincent Ni, Fears of online censorship in Hong Kong as rights group website goes down, *The Guardian*, 15 February 2022, available at: <https://www.theguardian.com/world/2022/feb/15/fears-of-online-censorship-in-hong-kong-as-rights-group-website-goes-down>.

⁷³ Hong Kong Watch, Hong Kong Watch co-founder and CEO Benedict Rogers threatened under National Security Law, 14 March 2022, available at: <https://www.hongkongwatch.org/all-posts/2022/3/14/hong-kong-watch-co-founder-and-ceo-benedict-rogers-threatened-under-national-security-law>.

⁷⁴ Freedom House, The Impact of the National Security Law on Media and Internet Freedom in Hong Kong, 19 October 2021, available at: https://freedomhouse.org/article/impact-national-security-law-media-and-internet-freedom-hong-kong#footnoteref65_8k39cb4.

⁷⁵ Selina Cheng, Hong Kong broadcaster RTHK deletes shows over a year old from internet as viewers scramble to save backups, *Hong Kong Free Press*, 3 May 2021, available at: <https://hongkongfp.com/2021/05/03/hong-kong-broadcaster-rthk-to-delete-shows-over-a-year-old-from-internet-as-viewers-scramble-to-save-backups/>; Tom Grundy, Embattled Hong Kong broadcaster RTHK deletes all Tweets, disables Twitter comments, *Hong Kong Free Press*, 4 August 2021, available at: <https://hongkongfp.com/2021/08/04/embattled-hong-kong-broadcaster-rthk-deletes-all-tweets-disables-twitter-comments/>.

June 2021, *Stand News* removed all political commentary from its website, citing risks posed by the NSL.⁷⁶

Other concerning laws and policies regarding internet governance have also been discussed by Hong Kong's Legislative Council, which, if passed, could lead to further deterioration in internet freedom. This includes plans for a cybersecurity law to regulate 'critical infrastructure.'⁷⁷ The anti-'fake news' law discussed above also poses a risk to internet freedom.

We urge the Committee to:

- **Call on the HKG to repeal all measures in Hong Kong law that restrict internet freedom, including Article 43 and other provisions in the NSL that grant the authorities vague and overbroad powers to delete or block content, and that impose disproportionate criminal penalties for online expression.**
- **Call on the HKG to take the necessary and appropriate measures to promote free, open interoperable, reliable and secure access to the Internet.**

3.3. Academic, artistic, and cultural expression

In its response to the LOI, the HKG claims it 'attaches great importance to upholding academic freedom and institutional autonomy,' guaranteed by Article 137 of the Basic Law. In reality, the HKG has demonstrated a complete disregard for academic freedom through the systematic targeting of academics, students, and institutions, under the NSL and other vague or overbroad provisions. In 2021, the Global Public Policy Institute downgraded Hong Kong from grade 'C' to 'D' in its Academic Freedom Index,⁷⁸ illustrating the notable decline over the past year.

3.3.1. Judicial harassment of independent academics

Benny Tai's case is emblematic of the judicial harassment faced by independent academics. In July 2020, Hong Kong University fired tenured law professor Benny Tai,⁷⁹ in a move publicly

⁷⁶ Lilian Cheng, National security law: self-censorship concerns mount after Hong Kong's Stand News purges comment pieces, some touching on sanctions, *South China Morning Post*, 29 June 2021, available at: <https://www.scmp.com/news/hong-kong/politics/article/3139076/national-security-law-self-censorship-concerns-mount-after>.

⁷⁷ Selina Cheng, Hong Kong Policy Address: New cybersecurity law to protect 'critical infrastructure', *Hong Kong Free Press*, 6 October 2021, available at: <https://hongkongfp.com/2021/10/06/hong-kong-policy-address-new-cybersecurity-law-to-protect-critical-infrastructure/>.

⁷⁸ Global Public Policy Institute and Scholars at Risk Network, Free Universities: Putting the Academic Freedom Index into Action, March 2021, available at: https://gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFi-2020_upd.pdf.

⁷⁹ Emma Graham-Harrison and Patrick Wintour, Prominent Hong Kong professor and pro-democracy activist fired by university, *The Guardian*, 28 July 2020, available at: <https://www.theguardian.com/world/2020/jul/28/benny-tai-university-of-hong-kong-fired>; and Scholars at Risk, University of Hong Kong dismisses Benny Tai Statement, 28 July 2020, available at: <https://www.scholarsatrisk.org/report/2020-07-28-university-of-hong-kong/>.

praised by China's liaison office in Hong Kong.⁸⁰ In February 2021, along with 47 others, Benny was charged with subversion under Article 22 of the NSL for his role in organising an unofficial primary poll in 2020.⁸¹ In July 2021 he was additionally charged with illegal election spending under Section 23(1) of the Corrupt and Illegal Conduct Ordinance for political advertisements he supported for the 2016 Legislative Council campaign, despite not being a candidate.⁸² He faces a number of additional charges, including another politically motivated election spending charge from 2016 for which he was sentenced on 24 May 2022 to 10-months in prison.⁸³

Other examples include a number of Lingnan University professors. On June 2021, the University fired assistant professor Ip Lam-chong, also a co-founder of the independent *Hong Kong In-Media*.⁸⁴ At the time, Ip Lam-Chong said he expects that there is an academics blacklist.⁸⁵ In September, Lingnan University fired Cultural Studies professors Hui Po-Keung and Law Wing-Sang, both trustees of the 612 Humanitarian Relief Fund, discussed below.⁸⁶ On 11 May 2022, Hui Po-Keung was arrested for collusion under the NSL while he was at the airport on his way to assume an academic position in Europe.⁸⁷

Allan Au, a Chinese University of Hong Kong School of journalism lecturer specialising in media censorship and self-censorship, was arrested on 11 April 2022 on sedition charges under the

⁸⁰ Kelly Ho, 'Poetic justice': Beijing hails HKU's dismissal of pro-democracy law prof. Benny Tai, as appeal filed, *Hong Kong Free Press*, 30 July 2020, available at: <https://hongkongfp.com/2020/07/29/poetic-justice-beijing-hails-hkus-dismissal-of-pro-democracy-law-prof-benny-tai-as-appeal-filed/>.

⁸¹ Natalie Wong, National security law: 47 Hong Kong opposition figures charged with conspiring to subvert state power, after arrests over roles in bloc's primary, *South China Morning Post*, 28 February 2021, available at: <https://www.scmp.com/news/hong-kong/politics/article/3123475/national-security-law-47-hong-kong-opposition-figures>.

⁸² Selina Cheng, Hong Kong pro-democracy activist Benny Tai charged by anti-corruption watchdog over 2016 election, *Hong Kong Free Press*, 26 July 2021, available at: <https://hongkongfp.com/2021/07/26/hong-kong-pro-democracy-activist-benny-tai-charged-by-anti-corruption-watchdog-over-2016-election/>.

⁸³ Peter Lee, Hong Kong pro-democracy activist Benny Tai sentenced to 10 months in prison in election expenses case, *Hong Kong Free Press*, 24 May 2022, available at: <https://hongkongfp.com/2022/05/24/breaking-hong-kong-pro-democracy-activist-benny-tai-sentenced-to-10-months-in-prison-in-election-expenses-case/>.

⁸⁴ @ezracheungto, Earlier in June, Lingnan University sacked cultural studies assistant professor Ip lam-chong after almost 20 years. A co-founder of the pro-democracy Hong Kong In-media, Ip said his dismissal was due to his political orientation, [Twitter], 30 September 2021, available at: https://twitter.com/ezracheungto/status/1443510010365898756?s=20&t=OLNiUb4nSzoqhxCars_Fw.

⁸⁵ 香港嶺南大學任教十八載 敢言學者疑因不同政見被變相辭退 [Scholar who has taught at Lingnan University in Hong Kong for 18 years is suspected of being dismissed in disguise due to dissent], *VOA Cantonese*, 6 July 2021, available at: <https://www.voacantonese.com/a/hong-kong-outspoken-veteran-scholar-sacked-despite-support-from-faculty-20210706/5954921.html>.

⁸⁶ Rhoda Kwan, Humanitarian fund helping arrested Hong Kong protesters will halt operations by October 31, *Hong Kong Free Press*, 18 August 2021, available at: <https://hongkongfp.com/2021/08/18/humanitarian-fund-helping-arrested-hong-kong-protesters-will-halt-operations-by-october-31/>.

⁸⁷ AFP, Hong Kong protest defence fund trustee Hui Po-keung arrested at airport – sources, *Hong Kong Free Press*, 11 May 2022, available at: <https://hongkongfp.com/2022/05/11/hong-kong-protest-defence-fund-trustee-hui-po-keung-arrested-at-airport-sources/>.

colonial era anti-sedition law (Section 9 of the Crimes Ordinance).⁸⁸ Allan was also an independent journalist for outlets including *Stand News* and RTHK, and frequently posted political commentary on his personal Facebook page.

Academics have faced targeted harassment campaigning from pro-Beijing publications. In July 2021, Hong Kong University of Science and Technology sociologist Ching Kwan Lee resigned from her position following mounting harassment and intimidation.⁸⁹ The pressure included an 18 March editorial in the pro-Beijing state-owned *Wen Wei Po* newspaper alleging that Ching Kwan Lee had been 'using the cloak of 'academic freedom' to support an agenda for Hong Kong independence.'⁹⁰ Likewise, Education University of Hong Kong political scientist Brian Fong was effectively forced to resign from his position in February 2022 following attacks from pro-Beijing media, such as a 7 February editorial in *Ta Kung Pao* accusing him of being a 'pro-independence element' for his support of former Legislative Council opposition politician Alvin Yeung,⁹¹ who had also been charged with subversion alongside Benny Tai in February. Other academics have also been targeted by pro-Beijing publications.

On 10 August 2021, the 95,000-member Hong Kong Professional Teachers' Union announced that it was disbanding under 'enormous pressure.'⁹² Days earlier it had been targeted in editorials in the Party-state newspapers *People's Daily* and *Xinhua* as a 'poisonous tumor' to be 'eradicated' for organising a general strike in support of the pro-democracy movement in 2014.⁹³ The freedom to form and join unions and strike is upheld at Article 27 of the Basic Law.

⁸⁸ Agence France-Presse in Hong Kong, Prominent Hong Kong journalist Allan Au reportedly held on sedition charge, *The Guardian*, 11 April 2022, available at: <https://www.theguardian.com/world/2022/apr/11/prominent-hong-kong-journalist-allan-au-reportedly-held-on-sedition-charge>.

⁸⁹ @PM_Thornton, BREAKING: 立場新聞 reporting HKUST's Ching Kwan Lee resigned, after having been accused of directly participating in & supporting the #HongKongProtests, is being pressured to turn herself in #香港 兩名科大學者被指離職 李靜君：已約滿離任 成名：仲喺科大, [Twitter], 23 July 2021, available at: https://twitter.com/PM_Thornton/status/1418473891996000257?s=20&t=JwFqQghEqHjyQHh194j5g.

⁹⁰ 揭秘科大教授李靜君披學術自由外衣行「宣獨」之實 [Uncovering the truth of HKUST professor Li Jingjun wearing the cloak of academic freedom to "proclaim independence"], *Wenweipo*, 18 March 2021, available at: <https://www.wenweipo.com/a/202103/18/AP60533b42e4b04e1918cc09d9.html>.

⁹¹ Ng Kang-chung, Political scientist Brian Fong leaves Education University of Hong Kong after pro-Beijing attacks, *South China Morning Post*, 13 February 2022, available at: <https://www.scmp.com/news/hong-kong/politics/article/3166902/political-scientist-brian-fong-leaves-education-university>.

⁹² Candice Chau, Hong Kong's largest teachers' union to disband following pressure from gov't and Chinese state media, *Hong Kong Free Press*, 10 August 2021, available at: <https://hongkongfp.com/2021/08/10/breaking-hong-kongs-largest-teachers-union-to-disband-following-pressure-from-govt-and-chinese-state-media/>.

⁹³ Rhoda Kwan, Hong Kong's gov't cuts ties with largest teachers' union hours after Chinese state media attacks, *Hong Kong Free Press*, 2 August 2021, available at: <https://hongkongfp.com/2021/08/02/hong-kongs-govt-cuts-ties-with-largest-teachers-union-hours-after-chinese-state-media-attacks/>.

3.3.2. Crackdown on student unions

Student unions have also been targeted for their expression. On 25 February 2021, the Chinese University of Hong Kong imposed several punitive measures, including withdrawal of financial and administrative support, on the university's student union in response to, among other things, a document criticising the NSL published by Syzygia, a group running for the student union cabinet.⁹⁴ On 7 October 2021, the student union formally disbanded following university actions and intimidation, including death threats.⁹⁵

At the University of Hong Kong, on 28 April 2021, school administrators imposed sanctions on its student union, including withdrawal of financial support. This came after it had issued an open letter to the university president expressing its concern at the newly announced mandatory national security curricula, which the union said imposed a 'crisis of institutional autonomy.' The union was attacked in an article by *People's Daily*, a Party-State newspaper.⁹⁶ On 31 July 2021, Hong Kong Chief Executive Carrie Lam publicly criticised the student union and that same day it was derecognised by the university.⁹⁷ On 16 July 2021, national security police launched a criminal investigation into the student union⁹⁸ and on 14 August police arrested four former student union members for 'advocating terrorism' under the NSL.⁹⁹

On 7 February 2022, the City University of Hong Kong student union was ordered by school administrators to vacate university facilities within one week, after it had failed to provide 16 years of audited financial records within a two-week timeframe.¹⁰⁰ On 14 February, the student union organised a farewell ceremony, in which students wrote phrases including 'freedom of thought' and 'academic autonomy' on the wall outside a student-run convenience store. In

⁹⁴ Scholars at Risk, Chinese University of Hong Kong Student Union statement, 25 March 2021, available at: <https://www.scholarsatrisk.org/report/2021-02-25-chinese-university-of-hong-kong/>.

⁹⁵ *Coconuts Hong Kong*, CUHK student union announces collective resignation, citing harassment and death threats, 1 March 2021, available at: <https://coconuts.co/hongkong/news/cuhk-student-union-announces-collective-resignation-citing-harassment-and-death-threats/>.

⁹⁶ Scholars at Risk, University of Hong Kong Student Union statement, 28 April 2021, available at: <https://www.scholarsatrisk.org/report/2021-04-28-university-of-hong-kong/>.

⁹⁷ Scholars at Risk, University of Hong Kong Student Union statement, 13 July 2021, available at: <https://www.scholarsatrisk.org/report/2021-07-13-university-of-hong-kong/>.

⁹⁸ Scholars at Risk, University of Hong Kong Student Union statement, 16 July 2021, available at: <https://www.scholarsatrisk.org/report/2021-07-16-university-of-hong-kong/>.

⁹⁹ Tiffany May, Hong Kong Police Arrest Students Over 'Advocating Terrorism', *New York Times*, 18 August 2021, available at: <https://www.nytimes.com/2021/08/18/world/asia/hong-kong-university-arrests.html>.

¹⁰⁰ Candice Chau, Hong Kong CityU students' union told to vacate university premises after failing to submit audited financial records, *Hong Kong Free Press*, 8 February 2022, available at: <https://hongkongfp.com/2022/02/08/hong-kong-cityu-students-union-told-to-vacate-university-premises-after-failing-to-submit-audited-financial-records/>.

response, on 21 February 2022 national security police announced an investigation into the student union over alleged breach of the NSL.¹⁰¹

3.3.3. Crackdown on other forms of academic, artistic, and cultural expression

Following a July 2020 notice by Education Secretary Kevin Yeung that nobody in schools and universities should ‘play, sing and broadcast songs which contain political messages or hold any activities to express their political stance,’¹⁰² authorities have increased restrictions on academic and artistic freedom of expression.

In July 2021, days before derecognising its student union, the University of Hong Kong removed all public posters and material related to the ‘Democracy Wall,’ where students had been allowed to freely post anything.¹⁰³ In December 2021, authorities at the Chinese University of Hong Kong likewise stripped away all posters from the school’s ‘Democracy Wall,’ which had been barricaded since October when the student union dissolved.¹⁰⁴

On 23 December 2021, in the middle of the night, Hong Kong University officials removed the *Pillar of Shame* public sculpture commemorating the 1989 Tiananmen Square Massacre, a powerful symbol of academic and political freedom that had stood on campus since 1997.¹⁰⁵ The following day, the Chinese University of Hong Kong tore down the *Goddess of Democracy* sculpture while Lingnan University removed a relief carving, both artistic works memorialising the 1989 Massacre.¹⁰⁶

¹⁰¹ Kelly Ho, Hong Kong CityU students’ union faces national security probe over farewell ceremony, *Hong Kong Free Press*, 21 February 2022, available at: <https://hongkongfp.com/2022/02/21/hong-kong-cityu-students-union-faces-national-security-probe-over-farewell-ceremony/>.

¹⁰² Kelly Ho, No-one in Hong Kong schools should ‘hold any activities to express their political stance,’ says education chief, as protest song banned, *Hong Kong Free Press*, 8 July 2020, available at: <https://hongkongfp.com/2020/07/08/no-one-in-hong-kong-schools-should-hold-any-activities-to-express-their-political-stance-says-education-chief-as-protest-song-banned/>.

¹⁰³ Rhoda Kwan, University of Hong Kong removes all posters from ‘Democracy Wall’ and student union premises, *Hong Kong Free Press*, 12 July 2021, available at: <https://hongkongfp.com/2021/07/12/university-of-hong-kong-removes-all-posters-from-democracy-wall-and-student-union-premises/>.

¹⁰⁴ Hillary Leung, Student ‘Democracy Wall’ disappears as Hong Kong’s Chinese University removes protest posters, *Hong Kong Free Press*, 24 December 2021, available at: <https://hongkongfp.com/2021/12/24/student-democracy-wall-disappears-as-hong-kongs-chinese-university-removes-protest-posters/>.

¹⁰⁵ Rhoda Kwan and Vincent Ni, Outcry as memorial to Tiananmen Square victims removed from Hong Kong University, *The Guardian*, 23 December 2021, available at: <https://www.theguardian.com/world/2021/dec/22/hong-kong-memorial-to-tiananmen-victims-may-be-imminently-removed>; and ZEN SOO and HUIZHONG WU, How democracy was dismantled in Hong Kong in 2021, *AP News*, 30 December 2021, available at: <https://apnews.com/article/china-hong-kong-beijing-democracy-national-security-9e3c405923c24b6889c1bcf171f6def4>.

¹⁰⁶ *BBC News*, Hong Kong universities remove more monuments marking Tiananmen, 24 December 2021, available at: <https://www.bbc.com/news/world-asia-china-59752089>.

Other forms of cultural expression have worsened. In March 2021, the Chief Executive Carrie Lam warned that authorities would be on ‘full alert’ to ensure museum exhibitions do not undermine national security.¹⁰⁷ On 3 July 2021, the Hong Kong Arts Development Council announced it was cutting grants for artists whose work might be seen as violating the NSL.¹⁰⁸ On 25 February 2021, Hong Kong Baptist University cancelled its World Press Photo 2020 exhibition,¹⁰⁹ while in March 2021, M+ Museum announced it was cancelling a planned photography exhibit by political artist Ai Weiwei following pressure from authorities.¹¹⁰ Also in March 2021, Golden Scene Cinema and Hong Kong Film Critics Society abruptly cancelled a screening of *Inside the Red Brick Wall*, a documentary about the 2019 pro-democracy demonstrations.¹¹¹ Further, on 27 October 2021, Hong Kong authorities enacted a new Film Censorship (Amendment) Ordinance 2021 and updated Film Censorship Guidelines for Censors banning films that may endanger national security.¹¹²

The Committee should call on the HKG to:

- **Immediately and unconditionally drop charges and release all academics, students, and others arbitrarily detained for their academic, artistic, and cultural expression.**
- **Immediately and unconditionally suspend investigations into students and student unions and ensure a resumption of funding support for student groups.**
- **Ensure an enabling environment for academic, artistic, and cultural expression, including by ceasing the threat of criminal sanctions against museums, films, and other artistic venues and activities, and investigating public intimidation campaigns against anyone peacefully expressing themselves in any medium.**

¹⁰⁷ Violet Wong, We won't let arts undermine security: Carrie Lam, *RTHK*, 17 March 2021, available at: <https://news.rthk.hk/rthk/en/component/k2/1581040-20210317.htm>.

¹⁰⁸ Hong Kong Arts Development Council, Hong Kong Arts Development Council's response to the media and community concerns about its grant system, 3 July 2021, available at: <https://www.hkadc.org.hk/en/whats-on/press-release/press-statement-on-grant-support-system>.

¹⁰⁹ Scholars at Risk, Statement on Baptist University canceling World Press Photo event, 25 February 2021, available at: <https://www.scholarsatrisk.org/report/2021-02-25-hong-kong-baptist-university/>.

¹¹⁰ ARTFORUM, M+ Bows To Government Censors, Will Not Show Ai Weiwei Work, 31 March 2021, available at: <https://www.artforum.com/news/m-bows-to-government-censors-will-not-show-ai-weiwei-work-85417>.

¹¹¹ Candice Chau, Hong Kong campus protest documentary screening cancelled hours before showing following attack by pro-Beijing paper, *Hong Kong Free Press*, 15 March 2021, available at: <https://hongkongfp.com/2021/03/15/hong-kong-campus-protest-documentary-screening-cancelled-hours-before-showing-following-attack-by-pro-beijing-paper/>.

¹¹² Government of Hong Kong, Press release: Amendments to guidelines for censors under Film Censorship Ordinance gazette, 11 June 2021, available at: <https://www.info.gov.hk/gia/general/202106/11/P2021061100239.htm>.

4. Freedom of peaceful assembly and association (arts. 21 and 22)

In a 2020 comment on the NSL, seven UN Special Rapporteurs expressed concern at the ‘express curtailment’ of the freedom of peaceful assembly and association, among others, within the law’s broad provisions.¹¹³ Indeed, since its imposition, at least 50 civil society groups and unions have dissolved,¹¹⁴ including both international and local groups. This section explores the deterioration on the freedom of peaceful assembly and association.

4.1. Hong Kong organisations

In 2019, there was a 35 percent jump in registered trade unions, but since the enactment of the NSL, many have disbanded. At least 29 trade unions were dissolved in the first eight months of 2021.¹¹⁵ A 2022 report by the International Labour Organisation (ILO) cited the International Trade Union Confederation (ITUC) findings of ‘an acute decline in the respect for civil liberties and freedom of association in Hong Kong.’ The ITUC had further alleged that ‘trade union rights are seriously under attack.’ The ILO also noted that the HKG has refused its requests to consult on the application of the NSL.¹¹⁶

Hong Kong’s largest independent trade union, Hong Kong Confederation of Trade Unions (HKCTU), closed in October 2021 citing ‘political uncertainty.’ The HKCTU was an umbrella organisation made up of more than 70 affiliate unions. Vice-chairman Leo Tang said members of the group had received threats to their personal safety.¹¹⁷ The HKCTU’s general secretary, Lee Cheuk-yan, has been imprisoned for illegal assembly in the 2019 protests. He and Carol Ng, the group’s former chairwoman, have also been charged with subversion in separate cases under the NSL.¹¹⁸

¹¹³ Seven UN Special Rapporteurs, Comment on Legislation and Policy, OL CHN 17/2020, OHCHR, 1 September 2020, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25487>.

¹¹⁴ Rhoda Kwan, Explainer: Over 50 groups disband – how Hong Kong’s pro-democracy forces crumbled, *Hong Kong Free Press*, 28 November 2021, available at: <https://hongkongfp.com/2021/11/28/explainer-over-50-groups-gone-in-11-months-how-hong-kongs-pro-democracy-forces-crumbled/>.

¹¹⁵ *Reuters*, Hong Kong trade union disbands as impact of security law deepens, *Reuters*, 3 October 2021, available at: <https://www.reuters.com/world/asia-pacific/hong-kong-trade-union-disbands-impact-security-law-deepens-2021-10-03/>.

¹¹⁶ International Labour Organisation, Application of International Labour Standards 2022: Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference 110th Session, 2022, available at: https://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_836653.pdf.

¹¹⁷ *Reuters*, Hong Kong trade union disbands as impact of security law deepens, 3 October 2021, available at: <https://www.reuters.com/world/asia-pacific/hong-kong-trade-union-disbands-impact-security-law-deepens-2021-10-03/>.

¹¹⁸ Austin Ramzy, As Hong Kong’s Civil Society Buckles, One Group Tries to Hold On, *The New York Times*, 24 October 2021, available at: <https://www.nytimes.com/2021/10/24/world/asia/hong-kong-civil-society.html?referringSource=articleShare>.

In August 2021, the Civil Human Rights Front (CHRF), one of the largest civil society groups in Hong Kong, announced it would disband, days after police suggested its past activities may have violated the NSL. It was responsible for organising some of the city's major pro-democracy protests in 2019.¹¹⁹ Police had been investigating the group since April 2021, accusing it of breaching the Societies Ordinance.¹²⁰ In May, its convenor, Figo Chan Ho-wun, was jailed for 18 months for his involvement in four 'unauthorized' assemblies in 2019.¹²¹ Even after its formal disbandment, on 28 October 2021, Police raided four premises affiliated with CHRF after they had failed to submit information related to the Societies Ordinance investigation.¹²²

In September 2021, members of the pro-democracy HK Alliance voted to disband.¹²³ Earlier that month, several members had been arrested on charges of foreign collusion under the NSL.¹²⁴ Chow Hang-tung, a former vice-chairwoman of the organisation, was among the members arrested. Four UN special procedures expressed deep concern at her arrest, noting, 'terrorism and sedition charges are being improperly used to stifle the exercise of fundamental rights.'¹²⁵

In August 2021, the 612 Humanitarian Relief Fund, a fund set-up to provide financial assistance for protestors arrested during the 2019 pro-democracy demonstrations, announced that it would wind up operations by 31 October.¹²⁶ The fund's report from July showed a total of \$253.7 million HKD (approximately \$32.3 million USD) in donations since mid-2019, used to support individuals, including in their legal cases, and services.¹²⁷ In September, the fund received a court order for

¹¹⁹ Helen Davidson, Hong Kong group behind major pro-democracy protests disbands amid police pressure, *The Guardian*, 15 August 2021, available at: <https://www.theguardian.com/world/2021/aug/15/hong-kong-group-behind-major-pro-democracy-protests-disbands-amid-police-pressure>.

¹²⁰ Deutsche Welle, Hong Kong's pro-democracy protest group CHRF disbands, 15 August 2021, available at: <https://www.dw.com/en/hong-kongs-pro-democracy-protest-group-chrf-disbands/a-58869104>.

¹²¹ Jasmine Siu, Hong Kong protests: Jimmy Lai jailed for 14 months over role in 2019 illegal rally, while co-defendants receive up to 18 months, *South China Morning Post*, 28 May 2021, available at: <https://www.scmp.com/news/hong-kong/law-and-crime/article/3135158/hong-kong-protests-jimmy-lai-jailed-14-months-over>.

¹²² Kelly Ho, Hong Kong police raid 4 premises linked to disbanded protest coalition after they failed to submit info – reports, *Hong Kong Free Press*, 28 October 2021, available at: <https://hongkongfp.com/2021/10/28/hong-kong-police-raid-4-premises-linked-to-disbanded-protest-coalition-after-they-failed-to-submit-info-reports/>.

¹²³ Agence France-Presse, Hong Kong Tiananmen vigil group disbands amid crackdown on dissent, *The Guardian*, 26 September 2021, available at: <https://www.theguardian.com/world/2021/sep/26/hong-kong-tiananmen-vigil-group-disbands-amid-crackdown-on-dissent>.

¹²⁴ Helen Davidson, Hong Kong: police arrest senior members of group that organised Tiananmen vigils, *The Guardian*, 8 September 2021, available at: <https://www.theguardian.com/world/2021/sep/08/hong-kong-police-arrest-leader-of-democracy-group-alliance>.

¹²⁵ OHCHR, Hong Kong: Arrests under security law are serious concern, UN experts call for review, 12 October 2021, available at: <https://www.ohchr.org/en/press-releases/2021/11/hong-kong-arrests-under-security-law-are-serious-concern-un-experts-call>.

¹²⁶ Rhoda Kwan, Humanitarian fund helping arrested Hong Kong protesters will halt operations by October 31, *Hong Kong Free Press*, 18 August 2021, available at: <https://hongkongfp.com/2021/08/18/humanitarian-fund-helping-arrested-hong-kong-protesters-will-halt-operations-by-october-31/>.

¹²⁷ *Ibid.*

information on its operations and financial transactions citing potential NSL violations, looking into whether it had ‘colluded with external forces.’¹²⁸

On 11 May 2022, the National Security Police arrested four trustees of the defunct 612 Humanitarian Relief Fund, including barrister Margaret Ng, singer Denise Ho, Cardinal Joseph Zen, and academic scholar Hui Po-keung, for ‘collusion with foreign forces.’¹²⁹ A fifth trustee, Cyd Ho, is already in jail, but was arrested for the same charge on May 12. The arrests came just days after the uncontested election of John Lee, the former Secretary for Security, as the next Chief Executive of Hong Kong. Lee, a former policeman, received 1,416 votes on May 8 from the 1,461-member ‘patriots only’ selection committee, which is mostly comprised of handpicked pro-Beijing politicians and businesspeople and represents 0.02 percent of the city’s population.¹³⁰

4.2. International organisations

In December 2019, five US-based non-profit organisations were sanctioned by China in retaliation for US legislation in support of Hong Kong, and although China did not clarify the substance of the action it raised the risks for members of these organisations to travel to Hong Kong. The sanctioned organisations were the National Endowment for Democracy, Human Rights Watch (HRW), Freedom House, the National Democratic Institute for International Affairs and the International Republican Institute.¹³¹ In January 2020, HRW’s executive director, Kenneth Roth, was denied entry to Hong Kong for the launch of their World Report 2020.¹³² Authorities did not provide a reason for the denial.

Amnesty International ceased operations in Hong Kong in October 2021, bringing an end to its 40-year presence in the city. The decision was driven by concerns under the NSL, which Anjhula Mya Singh Bais, chair of Amnesty’s International Board, said “has made it effectively impossible for human rights organizations in Hong Kong to work freely and without fear of serious reprisals

¹²⁸ Kelly Ho, Hong Kong police serve court order to protester support fund for info in national security probe, *Hong Kong Free Press*, 1 September 2021, available at: <https://hongkongfp.com/2021/09/01/hong-kong-police-serve-court-order-to-protester-support-fund-for-info-in-national-security-probe-reports/>.

¹²⁹ Hong Kong Watch, Today’s arrests signal without a doubt that Beijing intends to intensify its crackdown on basic rights and freedoms in Hong Kong, 11 May 2021, available at: <https://www.hongkongwatch.org/all-posts/2022/5/11/todays-arrests-signal-without-a-doubt-that-beijing-intends-to-intensify-its-crackdown-on-basic-rights-and-freedoms-in-hong-kong>.

¹³⁰ *Financial Times*, Beijing-backed hardliner John Lee chosen as Hong Kong’s next leader, 8 May 2022, available at: <https://www.ft.com/content/a6466afa-0981-4a82-9787-8c630651d44f>.

¹³¹ Gerry Shih, China announces sanctions against U.S.-based nonprofit groups in response to Congress’s Hong Kong legislation, *Washington Post*, 2 December 2019, available at: https://www.washingtonpost.com/world/asia-pacific/china-announces-sanctions-against-us-based-nonprofits-in-response-to-congresss-hong-kong-legislation/2019/12/02/9f414616-14e0-11ea-80d6-d0ca7007273f_story.html.

¹³² Nei Vigdor and Austin Ramzy, Hong Kong Denies Entry to Human Rights Watch Director, Group Says, *New York Times*, 12 January 2020, available at: <https://www.nytimes.com/2020/01/12/world/asia/kenneth-roth-hong-kong.html>.

from the government.”¹³³ Bais pointed to the recent targeting of local human rights and trade union groups, saying that it signals an “intensification of the authorities’ campaign to rid the city of all dissenting voices.” Deputy secretary general of Amnesty International Kyle Ward also pointed to September’s announcement by the Secretary for Financial Services that said charities deemed a threat to national security would lose their tax-exempt status.

The Friedrich Naumann Foundation, a German think-tank which was expelled from China in 1997, also relocated its Hong Kong office, known as the Global Innovation Lab, to Taiwan in September 2020, citing safety concerns for staff. It feared it could have been considered a ‘foreign agent’ under the NSL.¹³⁴

Hong Kong Watch, as noted above, became the first known foreign organisation to be targeted by the extra-territorial reach of Hong Kong’s NSL in March 2022.¹³⁵ Speaking at the time, UK Foreign Secretary Liz Truss called the “unjustifiable action taken against the UK-based NGO Hong Kong Watch” a clear “attempt to silence those who stand up for human rights in Hong Kong.”¹³⁶

Local and international groups still doing advocacy in Hong Kong have downscaled their activities and refocused work or stopped accepting money from overseas.¹³⁷

In September 2021, Chris Tang, Hong Kong’s Secretary for Security, said that the HKG would consider the activities of foreign organisations when drafting new legislation under Article 23 of the Basic Law,¹³⁸ which gives the HKG the power to introduce local national security legislation. John Lee has labelled the implementation of Article 23 legislation as one of his priorities, with

¹³³ Amnesty International, Amnesty International to close its Hong Kong offices, 25 October 2021, available at: <https://www.amnesty.org/en/latest/news/2021/10/amnesty-international-to-close-its-hong-kong-offices/>.

¹³⁴ Pak Yiu, Exclusive: Two rights groups quit Hong Kong as security law sends shudders through NGOs, *Reuters*, 26 February 2021, available at: <https://www.reuters.com/article/us-hongkong-security-ngo-exclusive-idUSKBN2AQ16M>.

¹³⁵ *Agence France-Presse*, Hong Kong demands UK-based rights group shut down website, *The Guardian*, 14 March 2022, available at: <https://www.theguardian.com/world/2022/mar/14/hong-kong-watch-rights-group-website-national-security-law-china-benedict-rogers>.

¹³⁶ Foreign, Commonwealth & Development Office and The Rt Hon Elizabeth Truss MP, Hong Kong watch: Foreign Secretary's statement, March 2022, 14 March 2022, available at: <https://www.gov.uk/government/news/foreign-secretary-statement-on-hong-kong-watch-march-2022>.

¹³⁷ Laura Westbrook, As Amnesty joins groups quitting Hong Kong, NGOs worry their funding, activities may cross ‘red lines’ of national security law, *South China Morning Post*, 30 October 2021, available at: <https://www.scmp.com/news/hong-kong/politics/article/3154196/amnesty-joins-groups-quitting-hong-kong-ngos-worry-their>.

¹³⁸ RTHK, Article 23 legislation 'to fill gaps in security law', 29 September 2021, available at: <https://news.rthk.hk/rthk/en/component/k2/1612777-20210929.htm>.

Tang stating in February that the government planned to begin consultation efforts on Article 23 in May 2022.¹³⁹

We urge the Committee to:

- **Call on the HKG to immediately and unconditionally drop charges against and release all representatives of civil society organisations and others arbitrarily detained for their expression, association, and peaceful assembly.**
- **Call on the HKG to ensure an enabling legal, political, economic and social environment for civil society to freely operate and to cease the arbitrary dissolution of civil society organisations and unions.**

¹³⁹ Candice Chau, Local security legislation Article 23 ‘a priority,’ says Hong Kong leadership hopeful John Lee, *Hong Kong Free Press*, 12 April 2022, available at: <https://hongkongfp.com/2022/04/12/local-security-legislation-article-23-a-priority-says-hong-kong-leadership-hopeful-john-lee/>.

5. Freedom of religion or belief (art. 18)

Although not included in the LOI, freedom of religion or belief in Hong Kong is facing increasing threats as the HKG pursues repressive measures in the name of national security. Early warning signs emerged in 2020, with several incidents of religious self-censorship. On 28 August 2020, the Apostolic Administrator, Cardinal John Tong, issued a letter to all Catholic clergy in Hong Kong urging them to be careful what they say in their sermons and to avoid words which ‘incite hatred’ or ‘cause social unrest,’ in a move some believed was influenced by pro-Beijing city administrators.¹⁴⁰ Shortly after the letter was released, the Catholic Diocese of Hong Kong banned an advertising campaign organised by the Justice and Peace Commission of Hong Kong Catholic Diocese featuring a prayer for the preservation of democracy in Hong Kong in the face of the NSL.¹⁴¹ The Diocese said it disagreed with the content of the prayer and the crowdfunding to pay for advertising space in the *Apple Daily*.¹⁴²

In December 2020, police raided the premises of the Good Neighbour North District Church, hours after HSBC froze the bank accounts of the pastor, Roy Chan, his wife, and the church’s charity. Chan described the incident as ‘political retaliation’ over the church’s spiritual guidance, first aid, and other support for protesters in 2019.¹⁴³

In January 2022, the authorities’ focus on religion appeared to intensify. The pro-Beijing newspaper *Ta Kung Pao* ran a full-page devoted to four articles attacking Christianity.¹⁴⁴ These included one criticising Hong Kong’s Bishop Emeritus, 90-year-old Cardinal Joseph Zen, one highlighting how many of the 2019 pro-democracy protesters had graduated from Christian schools, and another calling on the HKG to extend a colonial-era law, the Chinese Temple Ordinance, to apply it to all religions. The draconian colonial law stipulated that all revenues, funds, investments, and properties of all Chinese temples should be subject to the control of a government appointed committee, and the government was empowered to enter and search any temples without a warrant. In the article, Lawrence Ma, the executive director of the Hong Kong Legal Exchange Foundation, advocated that the Ordinance be applied to all religions,

¹⁴⁰ *UCANews*, Hong Kong priests asked not to offend communists, 2 September 2020, available at: <https://www.ucanews.com/news/hong-kong-priests-asked-not-to-offend-communists/89382>.

¹⁴¹ *Catholic News Agency*, Hong Kong diocese cancels pro-democracy prayer in newspapers, 31 August 2020, available at: <https://www.catholicnewsagency.com/news/45662/hong-kong-diocese-cancels-pro-democracy-prayer-in-newspapers>.

¹⁴² Gary Cheung, After pushback from diocese, Catholic group drops plan to run post-national security law prayer for Hong Kong in local newspaper, *South China Morning Post*, 29 August 2020, available at: <https://www.scmp.com/news/hong-kong/society/article/3099412/after-pushback-diocese-catholic-group-drops-plan-run-post>.

¹⁴³ Helen Davidson, Hong Kong police raid church hours after pastor said HSBC froze accounts, *The Guardian*, 8 December 2020, available at: <https://www.theguardian.com/world/2020/dec/08/hong-kong-church-pastor-says-hsbc-froze-personal-and-charity-bank-accounts>.

¹⁴⁴ These articles include: <http://www.takungpao.com.hk/news/232109/2022/0127/681157.html>.

effectively proposing the introduction of new administrative measures on religion.¹⁴⁵ Articles in *Ta Kung Pao* should not be ignored. The pro-Beijing publication has been used to attack opponents, as noted above, and to forecast party priorities.

In 2017 when she stood for the position of Chief Executive, Carrie Lam proposed establishing a 'Religious Affairs Unit,' although she retracted the proposal after opposition from senior Christian leaders.¹⁴⁶ However, it would not be surprising if the incoming Chief Executive John Lee revived the idea. It is also worth noting that the current Director of the Hong Kong and Macao Affairs Office of the State Council in Beijing, Xia Baolong, was previously the Communist Party Secretary of Zhejiang, where he was responsible for overseeing the destruction of thousands of crosses in the province.¹⁴⁷

The arrest of Cardinal Zen on 11 May 2022 marks a turning point. Although he was arrested and charged under the NSL for his role as a trustee of the 612 Humanitarian Relief Fund, which provided legal aid to more than 2,200 prosecuted for involvement in the 2019 pro-democracy movement, the arrest of a Cardinal indicates the lengths to which the authorities are prepared to go to silence dissent.¹⁴⁸

It is possible that the new HKG may introduce new regulations to control religion, and it is likely that places of worship will face increased surveillance and Christian-run schools in the education sector will come under increasing pressure.

We urge the Committee to:

- **Call on the HKG to fully respect the right to freedom of religion or belief.**
- **Demand that the current charges against Cardinal Zen be dropped and request a guarantee that no further charges will be brought against him.**

¹⁴⁵ Hong Kong Watch, UCA News: 'Hong Kong's religious freedom now firmly in Beijing's sights', Benedict Rogers, 2 February 2022, available at: <https://www.hongkongwatch.org/all-posts/2022/2/2/uca-news-hong-kongs-religious-freedom-now-firmly-in-beijings-sights-benedict-rogers>.

¹⁴⁶ Danny Mok, Hong Kong chief executive hopeful Carrie Lam makes U-turn on proposed religious affairs unit, *South China Morning Post*, 4 March 2017, available at: <https://www.scmp.com/news/hong-kong/politics/article/2076060/hong-kong-chief-executive-hopeful-carrie-lam-makes-u-turn>.

¹⁴⁷ Brice Pedroletti, China's Christians fear new persecution after latest wave of church demolitions, *The Guardian*, 5 July 2014, available at: <https://www.theguardian.com/world/2014/jul/05/china-christianity-wenzhou-zhejiang-churches>.

¹⁴⁸ Sum Lok-kei, Arrest of Cardinal Zen sends chill through Hong Kong's Catholic community, *The Guardian*, 16 May 2022, available at: <https://www.theguardian.com/world/2022/may/16/arrest-of-cardinal-zen-sends-chill-through-hong-kongs-catholic-community>.