

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



Benedict Rogers, Hong Kong Watch

Introduction

- We are a registered charity founded in 2017, consisting of Hong Kongers and friends of Hong Kong, working closely with Hong Kong community groups in the diaspora.
- The recommendations that I am raising here today have come out of many discussions with my Hong Konger colleagues, and Hong Kongers from other NGOs.
- They are not an exhaustive list, but ones that have broad consensus and are related to the UN's recommendations.

Overview

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

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

Background

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

UN Expert including Special Rapporteurs have made many statements raising concerns.

General

1. The notion of Hong Kong can be incorporated into all recommendations made to China, by adding “including Hong Kong”;
2. Independent and specific questions and recommendations for Hong Kong are strongly recommended and appreciated;
3. Recommendations can be consistent with the standards of UN Human Rights Experts, including treaty bodies’ concluding observations and statements of UN special rapporteurs;
4. Advance written questions are strongly welcomed - can be submitted 10 days before the UPR session.

Recommendations

National Security Law

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

Recommendations

Sedition

Repeal and refrain from applying the sedition law under the Crimes Ordinance, ensuring that it does not violate freedom of expression (as per 2022 recommendations of Human Rights Committee).

Recommendations

Sedition

Repeal and refrain from applying the sedition law under the Crimes Ordinance, ensuring that it does not violate freedom of expression (as per 2022 recommendations of Human Rights Committee).

Recommendations

Arbitrary Detention

End the arbitrary detention of Jimmy Lai and Chow Hang-tung, and release political prisoners (as per 2023 recommendation of HRC Working Group on Arbitrary Detention). In 2023, the UN Working Group on Arbitrary Detention published an opinion on Chow Hang Tung, concluding that her deprivation of liberty is arbitrary, and they are currently reviewing the case of Jimmy Lai.

Recommendations

Independence of the Judiciary

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

Recommendations

Extraterritoriality

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

Recommendations

Trade Unions

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

Recommendations

Freedom of Assembly

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

Recommendations

Law enforcement

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

Adopt Human Rights Committee's recommendations and establish an independent mechanism with adequate powers and mandate to conduct investigation into complaints against police's misconduct and to formulate binding decisions in respect of investigation results and provide legal protection to the complainant and witness against self-incrimination for giving statement and evidence.