



Briefing: The Future of Human Rights in Hong Kong

Amnesty welcomes this important Parliamentary debate on the Future of Human Rights in Hong Kong. The timing of the debate is particularly pertinent given that China is undergoing its Universal Periodic Review at the United Nations this week, and there are a number of key issues to raise regarding Hong Kong - [please see our full submission here](#). We welcome the UK's engagement in the UPR process and urge the UK government to continue raising concerns about human rights with relevant counterparts. The UK Government should:

- Maintain strong pressure on both the Hong Kong and Chinese authorities to repeal Hong Kong's National Security Law, in compliance with the recommendation of the UN Human Rights Committee in 2022 and follow up on the recommendations made by UN monitoring bodies.
- Thoroughly assess and scrutinise the impacts and implications of the Article 23 on UK-Hong Kong bilateral economic and cultural collaborations, especially concerning UK businesses operating in Hong Kong/ in partnership with the Hong Kong government.
- Demonstrate its commitment to human rights by ensuring that they are a key part of trade relations and economic discussions with both Hong Kong and China.
- Effectively protect the rights and personal safety of Hong Kong activists residing in the UK by preventing, investigating, punishing, and providing redress for human rights abuses they may experience.
- Continue to publicly call for the release of UK national Jimmy Lai, and call for the release of human rights lawyer Chow Hang-tung, former lawmaker Leung Kwok-hung and others who are persecuted simply for exercising their human rights; and end the practice of using politically motivated prosecutions and other legal procedures against peaceful protesters and dissidents.
- Strongly reiterate to the Hong Kong and Chinese government that long-arm persecution against activists overseas for simply exercising their human rights is unacceptable and intolerable under international human rights law.

National Security Law (Article 23)

The Hong Kong government (Security Bureau) has recently [put forward Article 23 of the Basic Law to be discussed by the Legislative Council within 2024 session](#). It is highly likely this locally legislated national security provision will be passed and implemented by the end of 2024, [aiming to prohibit "any act of treason, secession, sedition, subversion](#) against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organisations or bodies of the Region from establishing ties with foreign political organizations or bodies".

AMNESTY INTERNATIONAL UK ADVOCACY OFFICE

For more information on any of the issues contained in this briefing, please contact parliament@amnesty.org.uk or call **020 7033 1557**

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Although there is insufficient information as to what offences will be penalised by the Article 23 and how restrictive the laws will be written, [the city's chief has previously indicated the bill will reference the existing anti-espionage and state secrets laws](#) in mainland China, which are vaguely worded and often used by the authorities to target dissidents.

Since the enactment of the Hong Kong's national security law, passed by the Standing Committee of the National People's Congress of China in 2020, the draconian laws have devastated the civil society and caused widespread chilling effects among the people of Hong Kong¹.

As of December 2023:

- 285 people have been arrested, among whom 172 were prosecuted for allegedly “endangering national security”, according to media [The Witness Media Lab](#).
- The law has also led to [the closure of more than 100 NGO and civil society groups](#), including Amnesty International's regional office and its Hong Kong Section.

Jimmy Lai and The National Security Law

Jimmy Lai founded the outspoken Apple Daily in 1995. Shortly after the National Security Law was introduced on 30 June 2020, nearly 200 police [raided the newspaper's headquarters](#). It was the first time the law was invoked to search a media outlet's premises, and Lai was arrested along with his two sons and several newspaper executives.

Apple Daily closed in June 2021 following the re-arrest of the same executives in another police raid and the freezing of its assets, in what Amnesty at the time called a “flagrant attack on press freedom”.

On 11 December 2020, Lai was charged with two counts of “conspiracy to commit collusion with foreign countries or external elements,” and one count of “collusion with foreign countries or external elements” under the National Security Law.²

¹ See Amnesty analysis one year after the National Security Law was enacted in Hong Kong: <https://www.amnesty.org/en/documents/asa17/4197/2021/en/>

² Hong Kong authorities said the charges related to the publication of articles in Apple Daily, a newspaper owned by Lai, that called on foreign countries to impose sanctions, along with his meetings with US politicians and interviews with overseas media. Authorities also cited Lai's Twitter (now X) posts and his list of followers on the platform which included prominent foreign politicians and NGOs supportive of the pro-democracy movement in Hong Kong.

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He has been **detained since 31 December 2020**, having been denied bail in February 2021 when Hong Kong's highest court ruled that National Security Law cases were an exception to the presumption in favour of bail. The Hong Kong government also prohibited Lai's British lawyer Timothy Owen from representing him after legislators passed an amendment giving the city's Chief Executive the power to veto foreign lawyers from working on national security cases.

Jimmy Lai's national security **trial began on 18 December**, more than three years after he was charged. Lai faces a maximum sentence of life imprisonment if convicted. He has additionally been charged in the same case with "sedition", which carries a maximum sentence of two years. Hong Kong courts have already convicted Lai on four separate cases involving "unauthorized assemblies" and fraud and handed down prison sentences totalling over seven years.

"This case has been an attack on press freedom and freedom of expression from the very start. The Hong Kong authorities must release Jimmy Lai immediately and unconditionally and expunge his criminal convictions. No one should be prosecuted solely for exercising their human rights.

The prosecution of Jimmy Lai shows how Hong Kong's repressive National Security Law is being used to stifle press freedom and crush civil society. He has already been arrested for his newspaper's journalism, denied the right to bail and prevented from choosing his own lawyer. Now he faces a sham trial presided over by a judge handpicked by Hong Kong's Chief Executive³.

Transnational Repression and Harassment

Hong Kong police are continuing their crackdown against pro-democracy activists and human rights defenders who are leading activism overseas, this includes harassment of their families in Hong Kong and arresting on the ground activists allegedly affiliated with them on suspicion of "providing financial assistance to the exiled activists". Furthermore, The Hong Kong authorities equate international exchange that they do not approve of as "collusion with foreign forces". Police label benign day-to-day interaction between activists and foreign actors as acts that can potentially endanger national security.

Hong Kong authorities' systematic dismantling of human rights has officially gone global - alarmingly using bounties to silence dissent and deter other activists and organisations from engaging with wanted advocates. Throughout 2023, Hong Kong police offered rewards of HK\$1 million (equivalent to GBP £100,000) for information leading to the capture of 13 individuals based overseas. The 13 alleged "fugitives" are accused of a set of vaguely defined national security offences, including "colluding with foreign forces" and "inciting secession."

At least eight of these individuals reside or base their activism work in the UK, this including exiled rights advocates: Nathan Law, Finn Lau, Simon Cheng and unionist Mung Siu-tat.

³ <https://www.amnesty.org/en/latest/news/2023/12/hong-kong-jimmy-lais-sham-trial-a-further-attack-on-press-freedom/>

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These bounties not only threaten the liberty and safety of the activists targeted; they also have far-reaching consequences on other activists who are now left feeling increasingly uncertain about their security, whether in Hong Kong or overseas. The bounties only compound the already existing climate of fear.⁴

⁴ See: <https://www.amnesty.org/en/latest/news/2023/12/hong-kong-absurd-cash-bounties-on-overseas-activists-designed-to-sow-fear-worldwide/>

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