



## **EROSION OF CIVIL SOCIETY: HONG KONG'S FAILURE TO MAKE PROGRESS ON ACCEPTED UPR RECOMMENDATIONS**

*"People still in Hong Kong have almost no capacity to advocate for themselves anymore unless they're prepared to go to and stay in prison, which makes it obviously very difficult for them to rally and support."*  
– Anonymous Hong Kong Lawyer

In the five years since the 2018 UPR, the Hong Kong government has made no positive progress towards implementing the five accepted recommendations on Hong Kong. Instead, especially in the three years since the mass protests in Hong Kong erupted in June 2019 against a proposed extradition bill, and in the two years since the promulgation of the Hong Kong National Security Law (the "NSL"), the government has actively worked to stifle and even extinguish civil society. The resultant rapid erosion of a previously free and open civil society has drastically worsened the lives of Hong Kong people, whose civil and political rights—protected in domestic law—have been repeatedly violated. In its UPR and ICCPR submissions, attached hereto, the Leitner Center<sup>i</sup> outlines its main concerns for the future of Hong Kong.<sup>ii</sup>

***Erosion of civil society.*** In 2021 alone, at least 58 civil society organizations, professional guilds, and unions were disbanded, and this trend continues in 2022. The targeted organizations focused on a wide range of important social concerns (including, but not limited to, student activities, community welfare, legal studies, religious freedom, citizen media, and prisoners' rights). The subduing of civil society organizations by the government has affected the capacity of all organizations (including those fighting for labor and children's rights) to operate. Civil society organizations that had once hoped to collaborate with the Hong Kong government and the State Party have instead been sidelined, silenced, threatened with criminal charges, and had members detained and/or criminally charged. The future of Hong Kong's once-thriving civil society is at a critical junction.

***Freedom of expression severely endangered.*** People in Hong Kong are now only able to speak freely if they have actively taken steps to cut ties with the territory. Many have already suffered significant negative consequences for speaking out, protesting, or taking any action that may be perceived as negative by the State Party and Hong Kong government. Moreover, the line between acceptable and unacceptable actions continues to shift and change at the whim of the government. Due to fears over personal safety, almost all organizations and individuals within Hong Kong have ceased publicly commenting on human rights issues altogether. In addition, Hong Kong has lost its status as a place with an internationally-recognized free press.

***One Country, Two Systems under pressure.*** The NSL is inconsistent with Hong Kong's obligations under the ICCPR. The many arrests under the NSL thus far suggest that the law is being used to punish the exercise of basic civil and political rights by peaceful critics of the government. The law has been used to limit a wide range of speech, to limit foreign contacts, and to target opposition politicians and activists. These arrests have resulted in a strong chilling effect throughout Hong Kong society. Eventual pressure on the "One Country, Two Systems" apparatus was predicted to occur, but the speed with which the Hong Kong government is flagrantly flouting its obligations under the ICCPR is of particular concern.

### ***Recommendations to the international community.***

- Continue to engage with and support civil society in Hong Kong.
- Call upon Hong Kong and the State Party to uphold their obligations under international law, particularly with respect to freedom of expression and Hong Kong's obligations under the ICCPR.



- Call upon Hong Kong and the State Party to duly implement the accepted UPR recommendations on Hong Kong from the 2018 UPR and provide ongoing information related to the status of such implementation.

***Recommendations to the State Party and Hong Kong government.***

- Broaden space for civil society through legislative change to create an environment where all Hong Kong citizens, including rights defenders, feel empowered and safe to express or advocate views that are not favorable to the government.
- Take vigorous measures to remove any direct and/or indirect restrictions on freedom of expression that are incompatible with Hong Kong's obligations under the ICCPR.
- Clarify the relationship between the NSL and local laws, as well as between the NSL and the provisions of the ICCPR. In addition, provide information regarding concrete steps that the Hong Kong government plans to take in order to prioritize the rights enumerated under the ICCPR over any conflicting provisions that may exist in the NSL.

***Recommendations to the people of Hong Kong.***

- Whatever your background and circumstances, you are entitled to certain fundamental rights guaranteed under the laws of Hong Kong and international law. If in need of legal advice check the Know Your Rights HK website: <https://kyrhk.civicsight.org/en/home>.

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<sup>1</sup>The Leitner Center for International Law and Justice has participated in the UPR process as a stakeholder on a number of occasions for China and other States. The Leitner Center is a public international law education and research center based at Fordham Law School that aims to make international human rights protections an everyday reality for marginalized communities around the world. The Leitner Center provides education and training to law students, facilitates capacity-building and advocacy with activists and grassroots groups around the world, and contributes to critical research among legal scholars in international human rights. The Leitner Center regularly engages the UN human rights mechanisms in the countries and regions where we work, including in North America, Asia, Europe, and Africa. To focus our submissions, we partner with local civil society organizations and networks in the places where we work.

<sup>2</sup>See Universal Periodic Report – China stakeholder Mid-term Progress Submission, “*Progress Regarding Accepted Recommendations from the 2018 Universal Periodic Review Regarding Human Rights in Hong Kong*,” The Leitner Center for International Law & Justice (June 2022); “*Civil Society Submission to the United Nations Human Rights Committee, 135<sup>th</sup> Session*,” The Leitner Center for International Law & Justice (30 May 2022)