

# HONG KONG



## THE ISSUE:

Hong Kong, a Special Administrative Region of China, maintains separate governing and economic systems from that of mainland China under the principle of “one country, two systems.” Chinese national law does not generally apply in the region, and Hong Kong is treated as a separate jurisdiction. In March 2019, Hong Kong’s government introduced plans for legislative changes that would enable criminal suspects to be extradited to mainland China. However, the bill faced widespread criticism from many sectors of society concerned that it would undermine Hong Kong’s legal freedoms and might be used to intimidate or silence dissidents.

Beginning in March, the people of Hong Kong repeatedly protested the proposed extradition bill. Over one million people flooded the main streets on June 9, June 16 and August 18. Countless smaller scale protests took place in other parts of Hong Kong. The Hong Kong police used water cannons, tear gas, and pepper spray, and, in some instances, guns firing bean bags, rubber bullets and live rounds to disperse the largely peaceful demonstrations.

On June 15, the Hong Kong government announced it would indefinitely suspend the extradition bill. Then, on September 3, 2019, Hong Kong Chief Executive Carrie Lam announced that the controversial extradition bill would be formally withdrawn. Now, the protesters demands have broadened to demand that the authorities conduct an independent investigation into the police use of force, withdraw the “riot” label for the anti-extradition bill protests, release any arrested anti-extradition bill protesters and not pursue any charges against them, as well as universal suffrage for all Legislative Council members and the Chief Executive. The protests further intensified in response to police inaction as violent counter-protesters attacked by-standers and protesters in the Yuen Long area of Hong Kong.

The Hong Kong police have used violent acts by a small group as a pretext to classify the largely peaceful protests as unlawful assemblies and, specifically, “riots”. Amnesty verified numerous incidents involving the dangerous use of rubber bullets, officers beating protesters who did not resist, aggressive tactics used by police to obstruct journalists on site, and the misuse of tear gas and pepper spray. By early August, police said they had fired 1,800 rounds of tear gas, 300 rubber bullets, and 170 sponge grenades. As of December 16, more than 6,000 people had been arrested, while 517 people had been charged with “rioting,” which carries a maximum prison sentence of ten years.

On October 5, the Hong Kong government invoked a colonial-era law, the Emergency Regulations Ordinance (ERO), to bypass the legislative bodies and enact the Prohibition of Face Covering Regulation (also known as the “Mask Ban”). The ban has far-reaching repercussions for the human rights to privacy, health, and protection against discrimination. On December 10, the Hong Kong Court ruled the Mask Ban unconstitutional. The court is now pending an appeal case from the Hong Kong government.

While the formal withdrawal of the extradition bill is welcome, the withdrawal cannot change the fact that the Hong Kong authorities have chosen to suppress protests in a grossly unlawful way that has seriously damaged the people’s trust and sense of the legitimacy of the government.

## TALKING POINTS:

- The United States has an obligation to stand with the people of Hong Kong in their yearning for freedom and a government that respects international human rights.
- As President, I will ensure that Hong Kong remains a priority in our dialogues with China and call on them to fully conduct an independent investigation into unnecessary or excessive use of force, de-escalate the situation, and respect the rights of protestors.



## RECOMMENDATIONS:

- The United States should, with allies and partners, use diplomatic and economic tools to urge the Chinese government and Hong Kong authorities to allow an independent investigation into unnecessary or excessive use of force by police at protests and to withdraw the present mask ban and bring the ERO in line with Article 4 of the International Covenant on Civil and Political Rights.
- The Executive Branch should fully implement the Hong Kong PROTECT Act, which prohibits the issuance of licenses to export covered munition items such as tear gas, rubber bullets, water cannons and other items to the Hong Kong Police Force.
- The United States should support the human rights of the people of Hong Kong in its bilateral and multilateral dialogues with China, both publicly and privately.

### FOR MORE INFORMATION, PLEASE CONTACT:

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