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ORAL STATEMENT

Item 2: Interactive dialogue on the annual report of the High Commissioner

NATIONAL SECURITY LAW FOR HONG KONG MUST NOT BECOME A WEAPON OF FEAR

UN Human Rights Council
Forty-fourth session
30 June – 17 July 2020

Madam President,

We thank the High Commissioner for her update, and her recent statement expressing concern over the draft security law for Hong Kong.¹

The passing of the national security law this week was a painful moment for the people of Hong Kong and represents the greatest threat to human rights in the city's recent history.

Amnesty International has an array of human rights concerns about the law, under which all individuals, institutions and organizations in Hong Kong would be prohibited from “engaging in activities that endanger national security”.² The vague provisions of the law are not in line with international human rights laws and standards. From now on, China will have the power to impose its own laws on any criminal suspect it chooses.

On Tuesday, before this Council, Hong Kong's Chief Executive Carrie Lam justified the law on the basis that it is needed to counter the threat of terrorism and to ensure stability in Hong Kong, despite having refused to answer any questions on the law just hours before in a local press conference. Nor had the actual text of the draft law been made public yet. However, the protesters that marched against the extradition bill in 2019 – and have recently returned on a smaller scale in the wake of COVID-19 – have been overwhelmingly peaceful. Furthermore, as noted in the High Commissioner's annual report: “Reacting to demonstrations by restricting civic space does not make anyone safer. In fact, by shutting down people's voices, it leaves injustices festering, generates rising social tension” and “fuels insecurity.”³

The speed and secrecy with which China has pushed through this legislation intensifies the fear that the authorities have intentionally created a weapon of repression to be used against

¹ China/Hong Kong SAR: Security law must meet human rights obligations, says Bachelet, 19 June 2020 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25978&LangID=E>.

² China: National security law must not become a weapon of fear, 30 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/china-national-security-law-weapon-of-fear/>.

³ OHCHR, Annual report of the United Nations High Commissioner for Human Rights, 17 January 2020, UN Doc. A/HRC/43/3, Para 115.

government critics, including people who are merely expressing their views or protesting peacefully. Its chilling effect on the freedoms of expression and association were seen within hours of the law's adoption.

At this pivotal moment for Hong Kong, it is imperative that the national security law is not used to trample human rights and undermine the freedoms that distinguish the city from mainland China. In implementing this law, the Hong Kong and Chinese authorities must now strictly and demonstrably adhere to their own human rights obligations, including the provisions of the ICCPR. It is down to the international community – including this Council – to hold them to account in this regard.

Last week, an unprecedented number of Special Procedures mandate-holders came together to raise concerns about the draft security law for Hong Kong, as well as the broader human rights situation in China – including in Xinjiang and Tibet. They urged this Council in no uncertain terms “to act with a sense of urgency to take all appropriate measures to monitor Chinese human rights practices,”⁴ and recommended the holding of a special session and the establishment of an impartial and independent human rights monitoring mechanism. This statement joined the voices of those that have been calling on the UN Secretary-General to appoint a Special Envoy for Hong Kong.

We welcome the joint statement delivered by the UK on behalf of a cross-regional group of 27 States this week⁵ as a first step towards discharging the Council's clear mandate and responsibility to address the human rights situation in China, including Hong Kong. We urge all States committed to the promotion and protection of human rights for all, and the credibility of this Council, to work together to build on this statement towards a more robust response, including the options suggested by the group of Special Procedures.

Thank you, Madam President.

Note: this statement was prepared for, and issued in the context of, the interactive dialogue with the UN High Commissioner for Human Rights during the 44th session of the UN Human Rights Council. It was not delivered orally due to limited time but has been issued in written format online.

⁴ UN experts call for decisive measures to protect fundamental freedoms in China, 26 June 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E>.

⁵ UN Human Rights Council 44: Cross-regional statement on Hong Kong and Xinjiang, <https://www.gov.uk/government/speeches/un-human-rights-council-44-cross-regional-statement-on-hong-kong-and-xinjiang>.