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2019 Country Reports on Human Rights Practices: China (Hong Kong)

Executive Summary

Hong Kong is a special administrative region (SAR) of the People’s Republic of China (PRC). The 1984 Sino-British Joint Declaration and the Basic Law of the SAR specify that the SAR enjoys a high degree of autonomy under the “one country, two systems” framework, except in matters of defense and foreign affairs. Throughout the year, however, domestic and international observers continued to express concerns about central PRC government encroachment on the SAR’s autonomy. In November district council elections, prodemocracy candidates won control of 17 out of 18 councils in elections widely regarded as free and fair, although the government barred one opposition figure’s candidacy. The turnout, 71 percent of all registered voters, was a record for Hong Kong. In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. In 2016 Hong Kong residents elected the 70 representatives who compose the SAR’s Legislative Council. Voters directly elected 40 representatives, while limited-franchise constituencies elected the remaining 30.

The Hong Kong police force maintains internal security and reports to the SAR’s Security Bureau. Civilian authorities maintained effective control over the security forces.

From June to year’s end, Hong Kong experienced frequent protests, with some exceeding more than one million participants. Most protesters were peaceful, but some engaged in violence and vandalism. The protests began as a movement against the government’s introduction of legislation that would have allowed the extradition of criminal suspects to any jurisdiction, including mainland China, but subsequently evolved to encompass broader concerns.

Significant human rights issues included: police brutality against protesters and persons in custody; arbitrary arrest; substantial interference with the rights of peaceful assembly and freedom of association; and restrictions on political participation.

The government took steps to prosecute and punish officials who committed human rights abuses but resisted widespread calls for a special inquiry into alleged police brutality that occurred during the demonstrations. The government continued to rely on the Independent Police Complaints Council (IPCC) to review allegations against the police.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no credible reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, but there were several reports the police physically abused or degraded detainees. In September Amnesty International alleged that police beat or otherwise mistreated individuals in custody. For example, the Amnesty International report stated that police severely beat and threatened to break the hands of a detained protester in August. Other protesters alleged police sexually assaulted them while in police custody. Several activists alleged that police abused detainees at the San Uk Ling Holding Center, including breaking bones and sexually assaulting detainees. The police denied those allegations.

Many Hong Kong residents and experts alleged that police officers on several occasions used excessive force to disperse crowds or arrest individuals suspected of participating in violent protests. For example, on August 31, police rushed onto a subway train and beat several individuals while making arrests. In August the UN Human Rights Office stated there was “credible evidence” the Hong Kong police were “employing less lethal weapons in ways that are prohibited by international norms and standards” when conducting crowd dispersal operations. Critics also noted that police officers frequently did not show identification when conducting crowd dispersal operations, which made it difficult to identify officers who may have committed abuses.

Prison and Detention Center Conditions

There were reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: On several occasions police reportedly used the San Uk Ling Holding Center to detain persons arrested during protests. The center, originally used to hold illegal immigrants from mainland China, reportedly has no security cameras in meeting rooms or detention rooms.

Administration: The government investigated allegations of problematic conditions and documented the results in a publicly accessible manner. There was an external Office of the Ombudsman. Activists and legislators, however, urged the government to establish an independent prisoner complaint and monitoring mechanism for prisons and detention centers.

Independent Monitoring: The government generally permitted legislators and justices of the peace to conduct prison visits. Justices of the peace may make suggestions and comments on matters, such as physical conditions, overcrowding, staff improvement, training and recreational programs and activities, and other matters affecting the welfare of inmates.

In August the government blocked legislators, journalists, and justices of the peace from visiting the San Uk Ling Holding Center, where many protesters were detained. In September Chief Executive Lam announced that the police would no longer hold protesters at the San Uk Ling Holding Center. The IPCC announced it visited the San Uk Ling Holding Center on October 8 and affirmed that it would “make recommendations to the Police should any area of improvement has been (sic) identified.” As of year’s end, however, the IPCC provided no report on its findings.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Several claims of arbitrary arrest were made in connection with the protests. In August police arrested several democracy activists and prodemocracy legislators the day before a large planned protest. Police alleged the arrests arose out of the activists’ and legislators’ illegal acts, such as obstructing police officers, during their participation in prior protests. One arrested legislator was accused of assaulting police officers by loudly speaking through a bullhorn and thus hurting police officers’ ears. Critics said the arrests were an attempt to suppress turnout at protests.

The Hong Kong Police Force maintains internal security and reports to the SAR’s Security Bureau. The People’s Liberation Army is responsible for foreign defense. The Immigration Department controls passage of persons into and out of the SAR as well as the documentation of local residents. Civilian authorities maintained effective control over the police force, and the government had mechanisms to investigate and punish abuse and corruption. The government’s apparent unwillingness to criticize the police force for its actions related to protests, including the force’s delayed response to a large July 21 vigilante attack on protesters and commuters, led to concerns that the police force operated with some degree of impunity.

Police officers frequently did not display identification when conducting crowd dispersal operations, a practice which made it difficult to identify officers who may have committed abuses. In August the head of the IPCC, the police watchdog, criticized police for not clearly displaying identification on uniforms, but the practice continued after August.

Multiple sources reported suspected members of the Chinese central government security services in the SAR monitored some political activists, nongovernmental organizations (NGOs), and academics who criticized the Chinese central government’s policies.

Activists expressed concern that the chief executive appointed all IPCC members and noted that the council’s lack of power to conduct independent investigations limited its oversight capacity. There was wide public support for the establishment of a commission of inquiry into alleged police abuses in handling the protests. The government continued to rely on the IPCC to investigate complaints, but in September it augmented the IPCC with international experts. In December all five experts announced in a statement they would “formally stand aside” from their role, citing “a shortfall in the powers, capacity and independent investigative capability of IPCC.”

Arrest Procedures and Treatment of Detainees

Police generally apprehended suspects openly when they observed suspects committing a crime or with warrants based on sufficient evidence and issued by a duly authorized official. Police must promptly charge arrested suspects. The government respected this right and generally brought arrested persons before a judicial officer within 48 hours. Detainees were generally informed promptly of charges against them. There was a functioning bail system.

Authorities allowed detainees access to a lawyer of their choice, although the Hong Kong Bar Association reported that lawyers experienced obstruction at police stations and delays in seeing clients arrested during protests. Suspects were not detained incommunicado or held under house arrest. Interviews of suspects are required to be videotaped.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the SAR government respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary enforced this right. Defendants are presumed innocent, except in official corruption cases. Under the law a sitting or former government official who maintains a standard of living above that commensurate with an official income or who controls monies or property disproportionate to an official income is considered guilty of an offense unless the official can satisfactorily explain the discrepancy. The courts upheld this ordinance. Defendants have the right to be informed promptly and in detail of the charges against them and the right to a trial without undue delay.

Trials are by jury except at the magistrate and district court level. An attorney is provided at public expense if defendants cannot afford counsel. Defendants have adequate time and facilities to prepare a defense. The government conducted court proceedings in either Cantonese or English, the SAR's two official languages. The government provided interpretation service to those not conversant in Cantonese or English during all criminal court proceedings. Defendants could confront and question witnesses testifying against them and present witnesses to testify on their own behalf. Defendants have the right not to be compelled to testify or confess guilt, the right to be present at their trial, and the right of appeal.

The SAR's courts are charged with interpreting those provisions of the Basic Law that address matters within the limits of the SAR's autonomy. SAR courts also interpret provisions of the Basic Law that relate to central government responsibilities or the relationship between the central authorities and the SAR. The Court of Final Appeal may seek an interpretation of relevant provisions from the central government's Standing Committee of the National People's Congress (NPCSC). SAR courts must by law follow the NPCSC interpretations in cases involving central government jurisdiction, although judgments previously rendered are not affected. The NPCSC has issued five interpretations of the Basic Law since 1997. The most recent interpretation, issued in 2016, requires lawmakers to correctly, completely, and solemnly swear an oath to uphold the Basic Law and recognize the Hong Kong SAR as a part of China before taking office. This ruling was the basis, in 2017, for disqualifying six opposition figures from taking their Legislative Council seats.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary for civil matters and access to a court to bring lawsuits seeking damages for human rights violations.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the SAR government failed to respect these prohibitions. There were credible reports Chinese central government security services monitored prodemocracy and human rights activists and journalists in the SAR. There were also reports central government security services detained, questioned, and intimidated Hong Kong-based activists visiting the mainland. Media reports indicated that during the year thousands of persons, primarily police officers, protesters, and protest movement leaders, have been “doxed,” that is, their personal information was publicly revealed online. The Chinese Communist Youth League, a central-government-controlled organization, as well as mainland state-controlled media, have published individuals' personal information or promoted sites containing apparently stolen personal information.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and an unfettered internet combined to permit freedom of expression, including for the press, on most matters. During the year, however, some SAR and central government actions restricted or sought to restrict the right to express or report on dissenting political views, particularly support for Hong Kong independence.

Freedom of Expression: There were some legal restrictions on the ability of individuals to criticize the government publicly without reprisal. Police arrested several individuals for damaging the national flag, which is illegal. For example, in May police arrested a proindependence activist for damaging the Chinese national flag during a protest against the controversial extradition bill. In October, media reported police asked Facebook to remove user posts about police handling of protests. Facebook reportedly declined to do so.

Requirements for electoral candidacy and for taking the oath of office also limited free speech in the political arena. For example, the Electoral Affairs Commission requires all Legislative Council candidates to sign a pledge stating the SAR is an “inalienable part” of China in order to run for office. The commission disqualified one candidate, democracy activist Joshua Wong, from running in the November district council election. The government determined that Wong could not “possibly comply with the requirements of the relevant electoral laws, since advocating or promoting ‘self-determination’ is contrary to the content of the declaration” candidates are required to sign.

In 2017 the government disqualified six legislators-elect from taking office because they took their oaths in ways that did not conform to a 2016 NPCSC interpretation of the Basic Law to demonstrate “sincerity” and “solemnity” when taking an oath.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views. An April Hong Kong Journalists Association poll found, however, that 81 percent of journalists said press freedom in the SAR had worsened since 2018.

Violence and Harassment: In September unknown persons threw firebombs at the home of Jimmy Lai, owner of the prodemocracy *Apple Daily* newspaper. Also in September, four unknown assailants attacked an *Apple Daily* reporter who was covering protests. In November protesters smashed windows and vandalized the offices of China’s state-controlled Xinhua News Agency. Several journalists alleged that police detained, assaulted, or harassed them while covering protests. In October the Foreign Correspondent’s Club condemned the arrest of a photojournalist who was covering a protest. Police reportedly ordered her and other journalists to remove their gas masks despite previous government assurances that the mask ban did not apply to those using masks to perform their professional duties.

Censorship or Content Restrictions: Reports of media self-censorship and suspected content control continued. The April Hong Kong Journalists Association survey showed that one in five journalists surveyed said their superiors had pressured them to reduce reporting about Hong Kong independence. Many media outlets, bookstores, and publishers were owned by companies with business interests on the mainland or by companies directly controlled by the Chinese central government, a situation that led to claims they were vulnerable to self-censorship.

Internet Freedom

The SAR government did not restrict or disrupt access to the internet or censor online content, although activists claimed central government authorities monitored their email and internet use.

There were reports of suspected politically motivated cyberattacks against private persons and organizations. In June the creator of the encrypted messaging app Telegram said the app, frequently used by protesters in Hong Kong, was the target of a massive cyberattack, apparently originating from mainland China. In August a similar attack briefly disabled the LIHKG online-chat forum, also frequently used by protesters to organize activities.

Academic Freedom and Cultural Events

There were some restrictions on academic freedom and cultural events. A museum dedicated to memorializing the 1989 massacre in Beijing’s Tiananmen Square reopened in a new location in May after previously closing due to pressure from the museum’s prior landlord. In October Hong Kong Community College assigned Chan Wai-keung, a lecturer, to nonteaching duties after dozens of antigovernment protesters surrounded him and insulted him inside his classroom after Chan publicly called for stiffer penalties against violent protesters. In November the Education Bureau warned students in all government-run schools not to participate in “political activities” while at school.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government allowed most public gatherings to proceed, but government actions, including prosecutions of activists and refusals to grant approval for some assemblies, infringed on the right of peaceful protest.

Freedom of Peaceful Assembly

The law provides for freedom of peaceful assembly, and the government generally respected this right. Before violence erupted at some protests, the police routinely issued the required “letter of no objection” for public meetings and demonstrations, including those critical of the SAR and Chinese central government. After violence began occurring at some protests, however, the police issued letters of objection against several gatherings, including large protest marches. The police also revoked permission

for some gatherings after they started. Police on each occasion said they feared the gatherings would result in violence. Police frequently warned participants in unapproved protests that they were participating in unlawful assemblies. As of year's end, police confirmed more than 6,000 arrests on varying charges in connection with the protests.

Media reports indicated that on several occasions police arrested onlookers not involved in protests. Police also fired thousands of rounds of tear gas to disperse crowds. Several human rights organizations repeated longstanding concerns that the SAR's legal definitions of illegal assembly and rioting, charges frequently brought against protesters, were overly broad.

On several occasions the MTR Corporation, the operator of Hong Kong's subway system, suspended services before and during protests. For example, on August 24, the MTR suspended services to Kwun Tong Station, the site of a police-approved protest. Critics claimed the MTR Corporation was acting to suppress peaceful protest in response to mainland state media criticism that the rail operator was facilitating protest. The Hong Kong government owns a majority stake in the MTR Corporation.

In October Chief Executive Lam, through executive fiat under the colonial-era Emergency Regulations Ordinance (ERO), banned the wearing of masks. Protesters frequently wore masks to protect themselves from tear gas and to hide their identity from police and from employers who might be pressured to punish employees who support the protests. In November a Hong Kong court ruled the government's use of the ERO to implement the mask ban unconstitutional.

Continuing government prosecutions of peaceful protesters led to concerns the government was using the law to suppress political dissent. For example, in April and June, a court sentenced Benny Tai and eight other leaders of the 2014 “Occupy Central” protests following their convictions for actions related to peaceful protests. The court sentenced four of the nine to jail for eight to 16 months; the remaining five received community service or were given suspended sentences. All nine defendants have appealed their convictions.

On several occasions progovernment vigilantes, whom the international NGO Freedom House described in some cases as having “probable ties to the Chinese government,” violently attacked protesters and protest organizers. The largest vigilante attack occurred on July 21. On that day a group of more than 100 men, which police sources told the *South China Morning Post* included persons with organized crime connections, beat protesters and commuters at the Yuen Long subway station, resulting in at least 45 injuries. In August, two unknown men attacked Jimmy Sham, the leader of the Civil Human Rights Front (CHRF), with baseball bats the day before the CHRF was scheduled to lead a large protest march. In October unknown men used hammers to attack Jimmy Sham again. The CHRF was the organizer of the year's largest protests. On several occasions, prodemocracy protesters also physically attacked allegedly progovernment individuals. For example, in November, one protester lit a man who was heckling him on fire.

Freedom of Association

SAR law provides for freedom of association, and the government generally respected it. In February, however, the Executive Council upheld the ban on the proindependence Hong Kong National Party (HKNP). The ban came after repeated SAR and Chinese central government warnings that advocacy for Hong Kong independence “crosses a red line.”

Under the law any person claiming to be an officer of a banned group may be sentenced to a fine of HK\$100,000 (\$12,800) and a maximum of three years in prison. Those providing meeting space or other aid to a banned group may also be sentenced to fines and jail time.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/> (<https://www.state.gov/religiousfreedomreport/>).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Reports that the Immigration Department refused entry to a small number of persons traveling to the SAR for political reasons continued. In May Immigration Department authorities denied entry to former Philippine supreme court justice Conchita Carpio-Morales, who previously accused Chinese president Xi Jinping of crimes against humanity, according to media reports. Activists and other observers contended that refusals, usually of persons holding, or suspected of holding, views critical of the Chinese central government, were made at the behest of mainland authorities.

Foreign Travel: Most residents easily obtained travel documents from the SAR government, although Chinese central government authorities in the past did not permit some human rights activists, student protesters, and prodemocracy legislators to visit the mainland. There were reports of mainland security officials harassing and questioning Hong Kong residents suspected of participating in protests when they traveled to the mainland. In August central government officials detained an employee of the United Kingdom's consulate in Hong Kong while he was returning from the mainland to his home in Hong Kong. He was released after more than two weeks in detention and later told media that mainland authorities tortured him.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: Activists indicated that persons seeking refugee status faced discrimination and were the frequent target of generalizations by some political parties and media organizations.

The government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) and humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee status, but the SAR government has established a system for providing limited protection to persons who would be subject to torture or other abuses in their home country.

The SAR government used the term “nonrefoulement claim” to refer to a claim for protection against deportation. Persons subject to deportation could file a nonrefoulement claim if they either arrived in the SAR without proper authorization or had overstayed the terms of their entry. Filing such a claim typically resulted in a period of detention followed by release on recognizance. Activists and refugee rights groups expressed concerns about the quality of adjudications and the very low rate of approved claims, less than 1 percent. Denied claimants may appeal to the Torture Claims Appeal Board. The government did not publish the board’s decisions, a practice which the Hong Kong Bar Association previously noted created concerns about the consistency and transparency of decisions. Persons whose claims were pending were required to appear periodically before the Immigration Department. An NGO reported the government’s process for evaluating claims, which did not allow claimants to legally work in the SAR, made some refugees vulnerable to trafficking.

Employment: “Nonrefoulement claimants” have no right to work in the SAR while their claims are under review, and they must rely on social welfare stipends and charities. The SAR government, however, frequently granted exceptions to this rule for persons granted nondeportation status and awaiting UNHCR resettlement.

Access to Basic Services: Persons who made “nonrefoulement” claims were eligible to receive publicly funded legal assistance, including translation services, as well as small living subsidies. The children of such claimants could attend SAR public schools.

Temporary Protection: Persons whose claims for “nonrefoulement” are substantiated do not obtain permanent resident status in the SAR. Instead the SAR government refers them to UNHCR for possible recognition as refugees and resettlement in a third country. Some such persons have waited years in the SAR before being resettled.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The Basic Law limits the ability of residents to change their government. Hong Kong voters do not enjoy universal suffrage in elections for the chief executive or equal suffrage in Legislative Council elections. Article 45 of the Basic Law establishes as the “ultimate aim” direct election of the chief executive through “universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.”

The chief executive is elected by an election committee (CEEC) of approximately 1,200 members (1,194 members in 2017). The election committee consists of the 70 members of the Legislative Council and a mix of professional, business, and trade elites.

Voters directly elect 40 of the Legislative Council’s 70 seats by secret ballot. Thirty-five seats are designated as “geographic constituencies” (GCs) and 35 as “functional constituencies” (FCs). All 35 GCs are directly elected by all voters in a geographic area. Thirty FC seats are selected by a set of voters representing various economic and social sectors, most of whom are probusiness and generally supportive of the Chinese central government. In 2016 the constituencies that elected these 30 FC Legislative Council seats consisted of 239,724 registered individual and institutional voters, of whom approximately 172,820 voted, according to the SAR’s Election Affairs Office’s statistics. The remaining five FC seats must be filled by district councilors (the so-called district council sector, known as “super seats,”) were directly elected by the approximately five million registered voters not represented in another FC, and therefore represented larger constituencies than any other seats in the Legislative Council.

Under the Basic Law, only the SAR government, not members of the legislature, may introduce bills that affect public expenditure, the political structure, or government policy.

In October Chief Executive Carrie Lam invoked the ERO, which grants the chief executive power to “make any regulations whatsoever” in times of “emergency or public danger,” to ban face masks. In November a court ruled that Lam’s use of the ERO was unconstitutional.

The SAR sends 36 deputies to China’s National People’s Congress (legislature, NPC) and had approximately 200 delegates in the Chinese People’s Political Consultative Conference—bodies that operate under the direction of the Chinese Communist Party and do not exercise legislative independence. The approval of the chief executive, two-thirds of the Legislative Council, and two-thirds of the SAR’s delegates to the NPC are required to place an amendment to the Basic Law on the agenda of the NPC, which has the sole power to amend the Basic Law.

Elections and Political Participation

Recent Elections: On November 24, registered voters elected district councilors in the SAR’s 18 districts. These elections are open to all voters on a one-person, one-vote basis. Turnout for the poll was a record 71 percent of registered voters. The election was considered generally peaceful, free, and fair, although the Hong Kong government barred one prodemocracy advocate, Joshua Wong, from running. Proestablishment

candidates reported that attacks on party offices and candidates also negatively affected campaign activities. Voters broadly endorsed prodemocracy and other nonestablishment candidates, who took control of 17 of the 18 councils and won 388 of the 452 contested seats (out of 479 total).

In March 2017 the 1,194-member Chief Executive Election Committee, dominated by proestablishment electors, selected Carrie Lam to be the SAR’s chief executive. Residents expressed concern the small-circle elections for the great majority of CEEC seats were open only to 239,724 of the SAR’s 7.5 million residents. Moreover, although the CEEC election (in 2016) saw a historically high voter turnout of 46 percent and a record number of contested seats across industrial, professional, grassroots, and political sectors, local political observers noted that 300 members—approximately 25 percent—of the committee were elected without a poll or other transparent election process to represent 12 uncontested subsectors and one sub-subsector.

In 2016 SAR residents elected representatives to the 70-member Legislative Council. Proestablishment candidates won 40 of the 70 Legislative Council seats, while prodemocracy candidates won 30.

Political Parties and Political Participation: In 2018 the SAR government banned the proindependence HKNP. This was the first ban of a political party since the establishment of the SAR.

All Legislative Council candidates must sign a confirmation form pledging their allegiance to the SAR and intent to uphold the Basic Law, including provisions stating that Hong Kong is an inalienable part of China. Since that requirement was instituted, the government barred several potential candidates from running for office.

The Chinese central government and its business supporters reportedly provided generous financial resources to parties that supported the Chinese central government’s political agenda in the SAR, giving them a major advantage in controlling the levers of government and senior positions.

Participation of Women and Minorities: No law limits participation of women in the political process, and they did participate. Fifteen percent of the Legislative Council’s members were women. In March 2017, Carrie Lam was elected to be the SAR’s first female chief executive.

There is no legal restriction against ethnic minorities running for electoral office, serving as electoral monitors, or participating in the civil service. There were no members of ethnic minorities in the Legislative Council, and members of ethnic minorities reported they considered themselves unrepresented.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Although the SAR continued to be relatively uncorrupt, there were isolated reports of government corruption.

Financial Disclosure: The SAR requires the most senior civil service and elected officials to declare their financial investments annually and senior working-level officials to do so biennially. Policy bureaus may impose additional reporting requirements for positions seen as having a greater risk of conflict of interest. The Civil Service Bureau monitors and verifies disclosures, which are available to the public. There are criminal and administrative sanctions for noncompliance.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. Prominent human rights activists and organizations critical of the central government also operated in the SAR.

Government Human Rights Bodies: There is an Office of the Ombudsman and an Equal Opportunities Commission (EOC). The government recruits commissioners to represent both offices through a professional search committee, which solicits applications and vets candidates. Commissioners were independent in their operations. Both organizations operated without interference from the SAR government and published critical findings in their areas of responsibility. NGOs pointed out that the EOC had limited ability to conduct investigations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape only against women but includes spousal rape. Activists expressed concern that rape was underreported, especially within the ethnic minority community.

The law does not directly criminalize domestic violence, but the government regarded domestic violence against women as a serious concern. Abusers may be liable for criminal charges, such as offenses against person, sexual assault, and ill-treatment of a child, depending on which act constituted the domestic violence. The government effectively prosecuted violators under existing criminal violations.

The Domestic and Cohabitation Relationships Violence Ordinance allows survivors to seek a three-month injunction, extendable to six months, against an abuser. The ordinance covers abuse between married couples, heterosexual and homosexual cohabitants, former spouses or cohabitants, and immediate and extended family members. It protects victims younger than 18, allowing them to apply for an injunction

in their own right, with the assistance of an adult guardian, against abuse by parents, siblings, and specified immediate and extended family members. The law also empowers the court to require that the abuser attend an antiviolence program. In cases in which the abuser caused bodily harm, the court may attach an arrest warrant to an existing injunction and extend both injunctions and arrest warrants to two years.

The government maintained programs that provided intervention, counseling, and assistance to domestic violence victims and abusers.

Sexual Harassment: The law prohibits sexual harassment or discrimination based on sex, marital status, and pregnancy. The law applies to both men and women, and police generally enforced the law effectively. There were multiple reports, however, of sexual harassment in housing, the workplace, and in universities.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women enjoy the same legal status and rights as men. The SAR's sexual discrimination ordinance prohibits discrimination based on sex or pregnancy status, and the law authorizes the EOC to work towards the elimination of discrimination and harassment as well as to promote equal opportunity for men and women. Although the government generally enforced these laws, women reportedly faced some discrimination in employment, salary, welfare, inheritance, and promotion.

Children

Birth Registration: All Chinese nationals born in the SAR, on the mainland, or abroad to parents, of whom at least one is a Chinese national and Hong Kong permanent resident, acquire both Chinese citizenship and Hong Kong permanent residence. Children born in the SAR to non-Chinese parents, at least one of whom is a Hong Kong permanent resident, acquire SAR permanent residence and qualify to apply for naturalization as Chinese citizens. Authorities routinely registered all such statuses.

Child Abuse: The law mandates protection for victims of child abuse (battery, assault, neglect, abandonment, and sexual exploitation), and the SAR government enforced the law. The law allows for the prosecution of certain sexual offenses, including against minors, committed outside the territory of the SAR.

The government provided parent education programs through its maternal and child health centers, public education programs, clinical psychologists, and social workers. Police maintained a child abuse investigation unit and, in collaboration with the Social Welfare Department, operated a child witness support program.

Early and Forced Marriage: The legal minimum age of marriage is 16 for both men and women; however, parents' written consent is required for marriage before the age of 21.

Sexual Exploitation of Children: Under the law a person having “unlawful sexual intercourse” with a victim younger than 16 is subject to five years’ imprisonment, while having unlawful sexual intercourse with a victim younger than 13 carries a sentence of life imprisonment. The law prohibits the commercial sexual exploitation of children and procuring children for prostitution. The law makes it an offense to possess, produce, copy, import, or export pornography involving a child or to publish or cause to be published any advertisement that conveys, or is likely to be understood as conveying, the message that a person has published, publishes, or intends to publish any child pornography. Authorities enforced the law. The penalty for creation, publication, or advertisement of child pornography is eight years’ imprisonment, while possession carries a penalty of five years’ imprisonment.

The legal age for consensual sex is 16.

International Child Abductions: The SAR is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html> (<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>).

Anti-Semitism

The Jewish community numbered 5,000 to 6,000 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, and the government generally enforced these provisions. The government took action to investigate and punish those responsible for violence or abuses against persons with disabilities. The government generally implemented laws and programs to provide persons with disabilities access to education, employment, the judicial system, and health services. The law on disabilities states that children with separate educational needs must have equal opportunity in accessing education. Some human rights groups reported the SAR’s disability law was too limited and that its implementation did not promote equal opportunities. The Social Welfare Department provided training and vocational rehabilitation services to assist persons with disabilities, offered subsidized resident-care services for persons considered unable to

live independently, offered preschool services to children with disabilities, and provided community support services for persons with mental disabilities, their families, and other local residents.

The government generally implemented laws and programs to provide persons with disabilities access to information, communications, and buildings, although there were reports of some restrictions. The law calls for improved building access and provides for sanctions against those who discriminate.

National/Racial/Ethnic Minorities

Although ethnic Chinese made up the vast majority of the population, the SAR is a multiethnic society, with persons from a number of ethnic groups recognized as permanent residents with full rights under the law. The law prohibits discrimination, and the EOC oversees implementation and enforcement of the law. The EOC maintained a hotline for inquiries and complaints concerning racial discrimination. Although the SAR government took steps to reduce discrimination, there were frequent reports of discrimination against ethnic minorities; the law did not clearly cover racial discrimination occurring in the course of law enforcement activity.

The government has a policy to integrate non-Chinese students into SAR schools. Nevertheless, advocacy groups said schools were de-facto segregated. Advocates also expressed concerns that Chinese language teaching for minority students was inadequate. Students who did not learn Chinese had significant difficulty entering university and the labor market, according to experts.

Persons born in mainland China also experienced frequent discrimination. On several occasions, protesters verbally or physically attacked mainlanders.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize consensual same-sex sexual conduct between adults. While the SAR has laws that ban discrimination on the grounds of race, sex, disability, and family status, no law prohibits companies or individuals from discriminating on grounds of sexual orientation or gender identity. There are also no laws that specifically aid in the prosecution of bias-motivated crimes against members of the lesbian, gay, bisexual, transgender, or intersex community. In October a gay man sued the government because public housing rules did not allow his male spouse, whom he married overseas, to live with him because the rules only recognize opposite-sex partners as spouses.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions without previous authorization or excessive requirements and to conduct legal strikes, but it does not protect the right to collective bargaining or obligate employers to bargain. Trade unions claimed the lack of collective bargaining rights and divisions in the labor movement weakened workers' leverage in negotiations. The law explicitly prohibits civil servants from bargaining collectively.

The law prohibits firing an employee for striking and voids any section of an employment contract that punishes a worker for striking. The commissioner of police has broad authority to control and direct public gatherings, including strikes, in the interest of national security or public safety.

According to the law, an employer cannot fire, penalize, or discriminate against an employee who exercises his or her union rights and cannot prevent or deter the employee from exercising such rights. Penalties for violations of laws protecting union and related worker rights included fines as well as legal damages paid to workers, and penalties were sufficient to deter violations. Dismissed employees, however, had difficulty proving antiunion discrimination. In August, according to media reports, Cathay Pacific Airways (Cathay) warned employees that they may be fired if they joined a city-wide general strike. Cathay's cabin crew union head Rebecca Sy told the press in August that Cathay Dragon, a Cathay subsidiary, fired her after company officials showed her printouts of proprotest movement postings on her private Facebook account.

b. Prohibition of Forced or Compulsory Labor

The law does not prohibit all forms of forced or compulsory labor, nor do laws specifically criminalize forced labor. Instead, the SAR uses its Employment and Theft Ordinances to prosecute labor violations and related offenses. Penalties for these offenses were not sufficient to deter violations.

NGOs expressed concerns some migrant workers, especially domestic workers in private homes, faced high levels of indebtedness assumed as part of the recruitment process, creating a risk they could fall victim to debt bondage. Domestic workers in Hong Kong were mostly female and mainly came from the Philippines, Indonesia, and other Southeast Asian countries. The SAR allows for the collection of maximum placement fees of 10 percent of the first month's wages, but some recruitment firms required large up-front fees in the country of origin that workers struggled to repay. Some locally licensed employment agencies were suspected of colluding with agencies overseas to profit from debt schemes, and some local agencies illegally confiscated the passports and employment contracts of domestic workers and withheld them until they repaid the debt.

SAR authorities stated they encouraged aggrieved workers to file complaints and make use of government conciliation services as well as actively pursued reports of any labor violations.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/> (<https://www.state.gov/trafficking-in-persons-report/>).

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. Regulations prohibit employment of children younger than 15 in any industrial establishment. The law prohibits overtime in industrial establishments with employment in dangerous trades for persons younger than 18. Children between 13 and 14 may work in certain nonindustrial establishments, subject to conditions aimed at ensuring a minimum of nine years of education and protection for their safety, health, and welfare.

The Labor Department effectively enforced these laws and regularly inspected workplaces to enforce compliance with the regulations. Penalties for violations of child labor laws include fines and legal damages and were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit employment discrimination based on race or ethnicity, disability, family status (marital status or pregnancy), or sex. The law stipulates employers must prove that proficiency in a particular language is a justifiable job requirement if they reject a candidate on those grounds. Regulations do not prohibit employment discrimination on the grounds of color, religion, political opinion, national origin or citizenship, sexual orientation or gender identity, HIV or other communicable disease status, or social status.

The government generally enforced these laws and regulations. In cases in which employment discrimination occurred, the SAR’s courts had broad powers to levy penalties on those who violated these laws and regulations.

Human rights activists and local scholars continued to raise concerns about job prospects for minority students, who were more likely to hold low-paying, low-skilled jobs and earn below-average wages. Experts assessed that a lack of Chinese-language skills was the greatest barrier to employment.

e. Acceptable Conditions of Work

The statutory minimum wage was below the poverty line for an average-sized household. There were many press reports regarding poor conditions faced by and underpayment of wages to domestic workers.

There is no law concerning working hours, paid weekly rest, rest breaks, or compulsory overtime for most employees. Several labor groups reported that employers expected extremely long hours, and the groups called for legislation to address that concern.

Laws exist to provide for health and safety of workers in the workplace. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment. Employers are required to report any injuries sustained by their employees in work-related accidents.

The government effectively enforced the law, and the Labor Tribunal adjudicated disputes involving nonpayment or underpayment of wages and wrongful dismissal. The number of labor inspectors was sufficient to deter violations except in the cases of nonpayment or underpayment of wages to and working conditions of domestic workers. Penalties for violations of the minimum wage or occupational safety and health violations include fines, payments of damages, and worker’s compensation payments. These penalties were sufficient to deter violations.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, identification of unsafe conditions, enforcement of safety management legislation, and policy formulation and implementation; it enforced occupational safety and health laws effectively.

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