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Freedom House

Freedom in the World 2022 - Hong Kong*

PARTLY FREE

43

/ 100

[Political Rights](#) 10 / 40[Civil Liberties](#) 33 / 60

LAST YEAR'S SCORE & STATUS

52 / 100 Partly Free

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

* Indicates a territory as opposed to an independent country.

Note

Freedom in the World reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Disputed territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the report methodology and FAQ.

Overview

The people of Hong Kong, a special administrative region of China, traditionally enjoyed substantial civil liberties and the rule of law under their local constitution, the Basic Law. However, the implementation of the National Security Law (NSL) in 2020 has amounted a multifront attack on the "one country, two systems" framework. The territory's most prominent prodemocracy figures have been arrested under its provisions, and NSL charges or the threat of charges have resulted in the closure of political parties, major independent news outlets, peaceful nongovernmental organizations (NGOs), and unions. The NSL also paved the way for Beijing to overhaul Hong Kong's electoral system in 2021; the new rules permit mainland authorities to vet candidates, and contain other provisions that ultimately ensure Beijing near-total control over the selection of Hong Kong authorities.

Key Developments in 2021

- In January, over 50 activists were arrested for participating in a nonbinding primary election in 2020, during which prodemocracy parties had selected candidates to run for seats on the Legislative Council (LegCo); 47 were charged with subversion under the NSL. The events left Hong Kong's most prominent and outspoken prodemocracy opposition behind bars.
- In March, China's National People's Congress Standing Committee (NPCSC) changed the annexes of the Basic Law to alter Hong Kong's electoral system. Dubbed "patriots governing Hong Kong," the new system allows Beijing to vet candidates for the LegCo and the Election Committee that selects the chief executive, and contained other provisions that ultimately ensured Beijing authorities near-total control over the selection of local Hong Kong authorities.
- In June, police froze the bank accounts of the prodemocracy newspaper *Apple Daily*, raided its offices, and arrested top editors on charges of violating the NSL. Soon after, *Apple Daily* shut down its website and social media accounts and announced its closure. In December, the prodemocracy outlet Stand News was raided and six senior staff were arrested on sedition charges, resulting in its closure.
- Dozens of civil society organizations and unions have disbanded since the NSL took effect in 2020. Prominent organizations that closed in 2021 include the Civil Human Rights Front (CHRF) and the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, both

known for organizing peaceful protests, as well as the Hong Kong Confederation of Trade Unions (HKCTU) and Hong Kong Professional Teachers' Union (HKCTU).

Political Rights

A Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

In 2017, Carrie Lam, a former deputy to outgoing chief executive Leung Chun-ying and Beijing's favored candidate, was chosen as Hong Kong's fourth—and first woman—chief executive, with 777 Election Committee votes. Her main opponent, former financial secretary John Tsang, received just 365 votes despite drawing far more support than Lam in public opinion polls. As in the past, the selection process featured reports of heavy lobbying by central government representatives.

The next chief executive election is scheduled for March 2022, and will take place following a sweeping overhaul of electoral laws approved by China's National People's Congress (NPC) in March 2021 and described as "patriots governing Hong Kong." The new system diminished the scope of direct suffrage, allows Beijing to vet candidates for Hong Kong's Legislative Council and Election Committee, and contains other modifications that effectively ensure Beijing authorities near-total control over the selection of local Hong Kong authorities.

Under the new system, the chief executive is still chosen by the Election Committee but the number of committee members was increased from 1,200 to 1,500. Of the 300 new representatives, 190 are delegates of either the NPC, the Chinese legislature, or the Chinese People's Political Consultative Conference (CPPCC), China's top government advisory body. The remaining 110 members represent "Hong Kong members of relevant national organizations." The 117 Election Committee members who had represented Hong Kong's 18 district councils—most of whom were from the territory's prodemocracy camp—were removed from the Election Committee. The number of eligible voters who select Election Committee members was cut from some 200,000 "functional constituency" voters—representatives of elite business and social sectors, many with close Beijing ties—to only around 4,800. Most individual votes were replaced with organizational votes, meaning that unions and other groups may cast only one vote on behalf of all their members.

Voting for the Election Committee—the first poll under the new electoral system—took place in September 2021. Candidates competed for 967 seats in 36 separate elections within subsectors that represent a variety of special interest groups. Candidates for more than three-quarters of those seats ran uncontested, and all but three nominated candidates were considered to be aligned with the Beijing-backed authorities. The remaining 533 committee seats were to be occupied by individuals nominated directly from designated organizations and by ex officio members. Analysts reported following the September 2021 election that the electoral changes ultimately resulted in the addition of more than 500 Election Committee seats designated for Chinese business, political, and grassroots groups.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections? 0 / 4

The new electoral system introduced by Beijing in 2021 significantly altered the composition and power dynamic of the LegCo. The number of seats increased from 70 to 90, with 40 elected by the pro-Beijing Election Committee, 30 by the functional constituencies, and only 20 elected directly by Hong Kong voters in the five geographical constituencies. This reduced the proportion of seats open for direct election from 50 percent to 22 percent. Members serve four-year terms.

LegCo elections were originally scheduled for September 2020. The prodemocracy camp organized a nonbinding primary election for its candidates, and more than 600,000 Hong Kongers voted peacefully in the primary that July.

The same month, Chief Executive Lam invoked emergency powers to postpone the LegCo election by a year, citing the threat of COVID-19. In November 2020, the NPC Standing Committee issued a directive allowing the Hong Kong government to summarily remove—without judicial review—lawmakers whom it deemed to have engaged in behaviors that endangered national security. Lam's government quickly ousted four prodemocracy LegCo members, prompting all 15 of the remaining prodemocracy lawmakers to resign in protest. Dozens of people involved in organizing the primary were arrested in January 2021 under the NSL, most on charges of "subversion of state power" that can carry a sentence of life imprisonment.

LegCo elections eventually took place in December 2021, offering voters a pool of overwhelmingly pro-Beijing candidates who were vetted for compliance with a "patriots only" policy. Numerous major prodemocracy candidates arrested for involvement in the 2020 primary remained in jail. The pro-Beijing camp won all but one seat, and turnout was a record low of 30 percent. Several individuals who called for an election boycott were arrested.

Score Change: The score declined from 1 to 0 because the Legislative Council elections almost exclusively featured candidates who were vetted to comply with a "patriots only" policy to ensure loyalty to Beijing.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the 0 / relevant election management bodies? 4

The restrictive electoral reforms implemented in 2021 offer the Chinese government far-reaching authority to shape electoral outcomes. The Election Committee is newly empowered to vet and preapprove candidates based on national security background checks that ensure they are "patriots." This new mechanism is more restrictive than the prescreening system for the 2016 LegCo election, in which the Electoral Affairs Commission (EAC) required candidates to attest in writing their belief that Hong Kong is unquestionably a part of China; six localist candidates had been disqualified for failure to comply. Far fewer seats in the LegCo and in the Election Committee are directly elected by voters under the new system. The overhaul itself was written by authorities in Beijing.

Prodemocracy candidates were absent from 2021 LegCo elections. The seven-member Candidate Eligibility Review Committee approved all but one of the 154 candidates, most of whom were part of the pro-Beijing camp.

Score Change: The score declined from 1 to 0 because the electoral reform enacted in March diminished the scope of direct suffrage and empowered authorities to exclude candidates based on political criteria.

B Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The political choices of Hong Kong residents are limited by an electoral system that ensures the dominance of pro-Beijing camp by stifling prodemocracy oppositions. The banning of the proindependence Hong Kong National Party (HKNP) in 2018 marked the first blanket prohibition of a political party since the territory's 1997 handover from Britain to China. The government since then has taken even more aggressive steps to outlaw prodemocracy political activities.

The largest pro-Beijing party is the Democratic Alliance for the Betterment and Progress of Hong Kong. The new, pro-Beijing Bauhinia Party caters to mainland Chinese who have relocated to Hong Kong. The Chinese Communist Party (CCP) is not formally registered in Hong Kong but exercises enormous influence.

The main prodemocracy parties are the Civic Party and the Democratic Party. However, their most prominent members remain in jail for participating in the July 2020 primary election. In April 2021, four Civic Party members facing national security charges issued an open letter calling for the dissolution of the party, citing concern for the safety their colleagues. Civic Passion, a localist party critical of Beijing, disbanded in September after its chairman was ejected from the LegCo after failing to clear the Election Committee's vetting for patriotism. By year's end, leading prodemocracy figures had been effectively removed from the political arena under provisions of Beijing's "patriots only" electoral makeover, or via charges under the NSL.

Score Change: The score declined from 2 to 1 because members of prodemocracy groups are excluded from politics under the new electoral system and subject to arrest and intimidation under the National Security Law.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power 0 / through elections? 4

Prodemocracy legislators historically enjoyed substantial minority representation alongside their pro-Beijing counterparts. However, after a series of disqualifications and expulsions that culminated in the mass resignation of prodemocratic lawmakers in November 2020, there were no democratic opposition candidates in the LegCo at year's end.

The subjective nature of the NPC's standards for oath taking; the expansive criminalization of speech and political activity under the NSL; and the chief executive's discretionary authority to remove proindependence LegCo members under the NPC's November 2020 directive all invite arbitrary

enforcement and pose serious obstacles for the opposition in future elections. The opposition has been battered by arrests and detentions since Beijing imposed the NSL in 2020. Arguably the strongest blow was the arrest of 53 prodemocracy politicians and activists in January 2021 for participating in the primary elections, which Beijing considers a national security crime for aiming to overthrow the Hong Kong government by winning a majority in LegCo elections. Forty-seven people involved in the primary were charged with subversion under the NSL and have been in detention since March 2021; most remained behind bars at year's end.

The 2021 electoral reforms closed remaining avenues for the opposition to win political representation, including by reducing the number of elected seats, increasing the proportion of appointed seats, and implementing a vetting process to ensure that only "patriotic" candidates who accept Beijing's rules for Hong Kong are permitted to run in elections.

Score Change: The score declined from 1 to 0 due to the arrest and detention of most prominent opposition leaders and a new electoral system that effectively prevents the opposition from winning or maintaining a presence in the legislature.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means? 1 / 4

The unelected CCP leadership in Beijing exerts a powerful influence on politics in Hong Kong through a variety of channels, including the NPC's ability to issue interpretations of the Basic Law, the cooptation of Hong Kong business leaders through their mainland assets and membership in the NPC or CPPCC, and lobbying or harassment of election committee members and other political figures to ensure favorable electoral outcomes. The NSL, imposed without consultation by the central government, gives Beijing vastly expanded powers in Hong Kong, in part by establishing a centrally controlled security apparatus in the territory, and by allowing defendants in some NSL cases to be transferred to the mainland for prosecution and punishment.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

While there are no formal restrictions preventing women or members of ethnic minority groups from voting or running for office, their participation is limited in practice.

Two of Hong Kong's most prominent LGBT+ leaders, Raymond Chan Chi-chuen, and Cyd Ho, faced prosecution for participating in peaceful demonstrations. In September 2021, Chan was freed on bail; Ho was sentenced to several months in prison around the same time.

C Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Directly elected officials have little ability to set and implement government policies under the territory's political system, and unelected mainland authorities are highly influential. The Basic Law restricts the LegCo's lawmaking powers, prohibiting legislators from introducing bills that would affect Hong Kong's public spending, governmental operations, or political structure.

Under the new electoral rule, a vetting process ensures that only "patriotic" candidates who accept Beijing's rules for Hong Kong may run in elections. Prodemocracy candidates have been barred from running for office, jailed, or forced into exile, and there was no genuine competition in the 2021 polls. With the NSL in full force, and Beijing's makeover of electoral rules to ensure its grasp on the city's political life, what remains of the LegCo offers no meaningful checks on executive authority.

Score Change: The score declined from 1 to 0 because the lack of competitive elections deprived the local authorities of democratic legitimacy, and because the exclusion of opposition forces from the legislature reduced its ability to serve as a check on the executive.

C2 0-4 pts

Are safeguards against official corruption strong and effective? 3 / 4

Hong Kong is regarded as having generally low corruption rates, and some high-ranking officials have been successfully prosecuted for graft-related offenses in the past. However, residents perceive the government to be lagging in the fight against corruption.

An increasing source of concern has been the apparently politicized application of anti-money laundering and anticorruption laws against organizations connected with the 2019 protest movement. In October 2021, the 612 Humanitarian Relief Fund, set up to provide financial assistance for protesters who were arrested, ceased operations following calls from Chinese state-backed media for authorities to investigate it for illegal activity. In 2019, a similar group, Spark Alliance, saw its accounts frozen and its staff arrested on charges of money laundering.

C3 0-4 pts

Does the government operate with openness and transparency? 2 / 4

Hong Kong has no freedom of information law, nor does it have any specific legislation relating to the management of government records and archives. An administrative Code of Access to Information is intended to ensure open access to government records but includes broad exemptions.

Consultations between Hong Kong officials and the Beijing government, represented by a Liaison Office in the territory, are largely opaque. There is no transparency regarding central government processes that directly affect Hong Kong. The NSL was drafted in secret and announced without public consultation, taking effect almost immediately after the text was first published.

Civil Liberties

D Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media? 1 / 4

The Basic Law has historically acted as a bulwark for press freedom, and the mainland's internet censorship regime does not yet apply in Hong Kong. Residents have long had access to a variety of print, broadcast, and digital news sources.

However, following several years of sustained political and economic pressure on independent media by the Hong Kong and Chinese governments, press freedom has deteriorated even more severely since 2020. In August of that year, prodemocracy media owner Jimmy Lai was arrested on suspicion of "colluding with foreign forces," and police executed search warrants at the headquarters of his *Apple Daily* newspaper. In June 2021, police froze the newspaper's accounts, raided its offices, and arrested top editors on charges of violating the NSL; staff were accused of "colluding with foreign forces" by publishing articles since 2019—prior to the NSL's implementation—that called for foreign sanctions against Hong Kong and Chinese government officials. Soon after, Apple Daily shut down its website and social media accounts and announced its closure, as well as the closure of a sister publication, *Next Magazine*. In December, the prodemocracy outlet Stand News was raided and six senior staff were arrested on sedition charges, resulting in its closure.

Radio Television Hong Kong (RTHK), the public broadcaster once known for its independent reporting, is being increasingly reined in. In February 2021, it removed all content older a year on YouTube and Facebook—a significant erasure of news ahead of the year's elections. The broadcaster also canceled the long-running current affairs show City Forum, and rejected an award for its coverage of the 2019 Yuen Long mob attacks on prodemocracy protesters. Chief Executive Carrie Lam was given her own series to explain changes to electoral laws, but it was criticized as failing to meaningfully address citizens' concerns.

Other constraints on the media implemented in 2021 included an antidoxing law approved by the LegCo in September, which gave authorities broad license to arrest anyone who published personal information recklessly or with the intent of causing harm; rights groups expressed concern that it could be invoked against journalists and activists. The following month, the Companies Registry and Land Registry announced that individuals who searched their public records must provide identifying information and acknowledge that their identities and other details could be made available to authorities, prompting criticism from HKJA, which said the requirements posed unnecessary legal risks to journalists. Also in October, the LegCo passed the Film Censorship (Amendment) Bill 2021, which allows films to be banned, including retroactively, on national security grounds. And, HKJA announced that police had declined to investigate 26 of 27 complaints filed over officers' conduct towards reporters during the 2019 protests.

Score Change: The score declined from 2 to 1 due to increased government pressure on independent media outlets, including the forced closure of Apple Daily and the arrest of its senior staff.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public 4 / 4 and private?

Religious freedom is generally respected in Hong Kong. Adherents of the Falun Gong spiritual movement, which is persecuted in mainland China, are free to practice in public. However, they have faced counterdemonstrations and harassment by members of the Hong Kong Youth Care Association (HKYCA), which has ties to the CCP. In July 2021, a top Hong Kong official called for Falun Gong to be investigated on suspicion of violating the NSL.

Several Christian groups that had supported 2019 protestors or human rights in China, such as the Hong Kong Pastors Network and the longstanding Hong Kong Christian Patriotic Democratic Movement disbanded in 2021.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

University professors were historically able to write and lecture freely, and political debate on campuses was lively. However, a crackdown on free speech on campus, academic freedom, and student activity persisted throughout 2021.

The NSL has been used aggressively to suppress discussions of Hong Kong independence and the 2019 protest movement at all levels of education. Several prodemocracy scholars have been fired by Hong Kong universities since 2020, while in February 2021 the Education Bureau instructed public universities to bring curriculums in line with the NSL and "prevent and suppress" on-campus acts that could violate its provisions. The same month, the Chinese University of Hong Kong withdrew recognition of its student union over criticism of the NSL by newly elected union leaders, a decision that effectively suspended the union's funding. In December, university administrators on three campuses removed sculptures commemorating the 1989 Tiananmen Square massacre. Additionally, prior to the LegCo election, Beijing-controlled newspapers threatened the Hong Kong Public Opinion Research Institute (HKPORI) for including the option of "blank vote" when polling the public about their voting intentions.

The chief executive serves as the chancellor of all public universities, and local authorities appoint university council members, who are similar to trustees.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 2 / 4

Hong Kong has a tradition of free personal expression and private discussion, but local and mainland security agencies have been suspected of monitoring the communications of prodemocracy activists for some years, and they now have a specific mandate to do so under the NSL, which permits warrantless surveillance and wiretapping. The law also allowed mainland authorities to establish security agencies in the territory under their own jurisdiction, and people charged with NSL offenses can be detained and tried on the mainland. The NSL's enactment has prompted many social media users to self-censor, shutter their accounts, or delete existing content that could run afoul of the law.

E Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly? 1 / 4

The Basic Law guarantees freedom of assembly, but the Public Order Ordinance requires organizers to give police seven days' notice before protests and to obtain official assent. Since its emergence, the government has repeatedly used the COVID-19 pandemic as a pretext to ban public assemblies, including the annual June 4 vigil to commemorate the 1989 Tiananmen Square massacre, which in 2021 was banned for the second year in a row. Some 7,000 police were deployed to enforce the ban on protests and gatherings that day, and 24 would-be organizers of the vigil were arrested for promoting an unauthorized assembly.

The NSL has been invoked to arrest individuals for actions as minor as carrying stickers that read "liberate Hong Kong," and for holding blank placards.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

Historically, Hong Kong hosted a vibrant nongovernmental organization (NGO) sector, including a number of groups that focus on human rights in mainland China. However, the introduction of the NSL in 2020 dramatically changed the environment for civil society: the entire staff of some organizations quit on the eve of the law's introduction, and a number of prominent prodemocracy organizations have since rapidly disbanded due to safety concerns.

Among the most notable closures in 2021 were the Civil Human Rights Front (CHRF), the nonviolent prodemocracy group known for organizing an annual mass protest on July 1, which disbanded in August; the group was accused of responsibility for violent clashes between demonstrators and police in 2019, and one of its leaders had been sentenced to 18 months in prison for participating in a banned rally. The Hong Kong Alliance in Support of Patriotic Democratic Movements of China, best known for organizing candlelight vigils in Hong Kong on the anniversary of the Tiananmen Square massacre, disbanded in September after its assets were frozen and it was charged with subversion under the NSL. Amnesty International announced in October that it would shutter two Hong Kong offices by year's end, saying the NSL made it impossible to conduct human rights work without risk of reprisals.

As of November 2021, Amnesty International said at least 35 groups had disbanded since the NSL took effect, while Agence France-Presse (AFP) estimated more than 50.

Score Change: The score declined from 3 to 1 because numerous NGOs have curbed their activities or disbanded to avoid potential prosecution under the National Security Law.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

Trade unions are independent, but collective-bargaining rights are not recognized, and protections against antiunion discrimination are weak.

Some trade unions took an active role in the 2019 protest movement, and attempted to organize an unofficial referendum on whether to call a general strike in June 2020, but the effort fell short of its turnout goal and drew warnings from government ministers. Lee Cheuk-yan, general secretary of the Hong Kong Confederation of Trade Unions (HKCTU), was among those arrested and charged for their involvement in organizing protests during that year. The HKCTU announced its dissolution in October 2021, with members saying they experienced intimidation and leaders citing outright threats to their safety. The Hong Kong Professional Teachers' Union, the largest teachers' union in the city, disbanded in August after Chinese state media called it "a malignant tumor," and the city's Education Bureau accused it of "spreading propaganda" and encouraging students' participation in illegal activities. In the announcement of its closure, the union cited "changes in the social and political environment" and "recent rapid developments" that put it "under tremendous pressure."

Score Change: The score declined from 2 to 1 because a major labor confederation and many individual unions, including the largest teachers' union, disbanded during the year to avoid potential prosecution.

F Rule of Law

F1 0-4 pts

Is there an independent judiciary? 2 / 4

The Hong Kong judiciary is largely independent but looming threats remain as several provisions of the NSL undermined judicial autonomy, such as allowing the government to select judges for NSL trials.

The NPC has historically reserved the right to make final interpretations of the Basic Law, limiting the independence of the Court of Final Appeal. Such interventions were rare prior to the NPC's 2016 interpretation regarding oaths of office, which was also unusual for being issued without a request from the Hong Kong government and before the local courts had ruled on the matter in question. The 2020 NSL was imposed on Hong Kong through a Basic Law provision that allows the NPC to list national laws that must be applied locally, bypassing both the LegCo and Hong Kong's courts.

Under the NSL, the chief executive is empowered to designate a pool of judges specially to try NSL cases. They are selected for a one-year term but can face removal should they make statement that "endanger national security." The chief executive's office refused to make the criteria for selection and the judge list public, raising serious concerns about judicial independence.

F2 0-4 pts

Does due process prevail in civil and criminal matters? 2 / 4

The courts typically upheld due process rights and adjudicated civil and criminal matters fairly and efficiently in the past. Following the thousands of arrests made during the protests that began in 2019, courts came under pressure to process cases faster, and pro-Beijing politicians and media called on them to side with the prosecution and hand down heavier sentences.

Under the NSL, individuals charged with national security offenses are tried by judges selected by the chief executive, and the central government wields influence over the appointment of prosecutors. In cases involving offenses against public order or state secrets, the trials may be closed to the public. The central government's new Office for Safeguarding National Security in Hong Kong can assert jurisdiction over some cases and have them tried on the mainland. There is a much higher

threshold for bail for NSL cases than others. The NSL also gave police powerful new legal tools including enhanced investigatory power to search premises and electronic devices, freeze or confiscate assets, and demand people and groups provide information.

In July 2021, the first NSL court case commenced, without a jury. Tong Ying-kit—who drove a motorcycle bearing a flag with the banned “Liberate Hong Kong, revolution of our times” into a crowd of police officers—was found guilty by a three-judge panel and sentenced to nine years in prison on charges of incitement and terrorist activity. Three people were injured in the incident.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war 2 / and insurgencies? 4

Police are forbidden by law from employing torture, disappearance, or other forms of abuse. However, the 2019 protest movement featured frequent episodes of police violence, which have generally gone unaddressed. There were also credible allegations of arbitrary detention and even torture of protesters in 2019. In addition to police violence, the protest movement brought about a more general climate of unrest, due to both clashes that accompanied demonstrations and violent attacks committed by nonstate actors against protesters, activists, and bystanders at locations far from where protest actions were taking place.

The 2015 disappearances of five Hong Kong booksellers into police custody on the mainland continue to cast doubt on the local government’s capacity to protect residents from abuses by Chinese authorities, a concern exacerbated by the new jurisdictional powers provided by the NSL. Four of the booksellers were eventually released, but they reportedly faced surveillance and harassment in Hong Kong; the fifth, Swedish citizen Gui Minhai, remained in detention on the mainland and was sentenced to 10 years in prison in February 2020 for supposedly providing intelligence to foreign entities.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the 3 / population? 4

Citizens are generally treated equally under the law, though people of South Asian origin or descent face language barriers and de facto discrimination in education and employment. Women are also subject to some employment discrimination in practice. Antidiscrimination laws do not specifically protect LGBT+ people.

G Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of 3 / residence, employment, or education? 4

Hong Kong residents generally enjoy freedom of movement, though authorities periodically deny entry to visiting political activists and Falun Gong practitioners, raising suspicions of Beijing-imposed restrictions. Some Hong Kong activists and politicians have also faced difficulty traveling to the mainland. In 2019, there were reports that people traveling into China from Hong Kong were subjected to checks by mainland authorities, who searched their phones for protest photos and related communications.

In 2020, a number of countries, including Britain and Australia, offered special visas and other pathways for Hong Kong residents to escape political repression, though in retaliation Beijing refused to recognize British National (Overseas) passport. Legal experts have expressed concerns about updates to immigration law enacted in 2021, which they say could pave the way for local authorities to enact exit and entry bans like those found on the mainland.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private 3 / businesses without undue interference from state or nonstate actors? 4

While property rights are largely respected, collusion among powerful business entities with political connections is perceived as an impediment to fair competition.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and 4 / size of family, protection from domestic violence, and control over appearance? 4

Hong Kong residents are legally protected from rape and domestic abuse, and police generally respond appropriately to reports of such crimes. Men and women enjoy equal rights in personal status matters such as marriage and divorce. A constitutional challenge to Hong Kong’s restrictions on same-sex marriage was rejected by a court in 2019. In two separate cases in September 2020, a court ruled in favor of inheritance rights for a gay couple but rejected a bid to compel the territory to fully recognize same-sex marriages undertaken abroad.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

While most Hong Kong residents enjoy equality of opportunity and freedom from economic exploitation, certain marginalized groups face substantial risks of exploitation and abuse. For instance, foreign household workers, who make up roughly 4.4 percent of Hong Kong’s population, remain vulnerable to a wide range of exploitative practices. Since they may face deportation if dismissed, many are reluctant to bring complaints against employers. Hong Kong is also a significant site for human trafficking, but the city still lacks comprehensive antitrafficking legislation.

After the implementation of the NSL, businesses in Hong Kong’s “yellow economy,” which support prodemocracy protesters, faced scrutiny including police warnings and extra inspections for compliance with pandemic safety guidelines.

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