

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	763
Land:	Kina
Kilde:	Amnesty International
Titel:	The State of The World's Human Rights; Hong Kong (China) 2023
Udgivet:	24. april 2024
Optaget på baggrundsmaterialet:	4. juli 2024



Document #2107910

Amnesty International (Author)

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Civic space in Hong Kong became ever more curtailed as the authorities maintained wide-ranging bans on peaceful protests and imprisoned pro-democracy activists, journalists, human rights defenders and others on national security-related charges. They also sought the arrest of opposition activists who had fled overseas. The Hong Kong courts ruled in favour of some LGBTI people's rights in several landmark cases.

Freedom of expression, association and assembly

The Hong Kong authorities continued to use the 2020 National Security Law (NSL), as well as colonial-era sedition provisions in the Crimes Ordinance and other restrictive laws, against pro-democracy campaigners, journalists, human rights defenders and others.

In the largest national security prosecution to date, the trial of 47 pro-democracy advocates began in February. All were charged with "conspiracy to commit subversion" under the NSL in relation to their involvement in unofficial political party primaries for the 2020 Legislative Council elections that were ultimately postponed. Most were detained for over two years before the start of the trial, and some faced up to life imprisonment if found guilty.¹

The repeatedly delayed trial on national security and sedition charges of Jimmy Lai, publisher and founder of the now closed pro-democracy newspaper Apple Daily, began in December, one year after it was originally scheduled. He has been detained since August 2020. In March, five UN human rights experts wrote to the Chinese government to express their grave concern about the arrest, detention and multiple prosecutions of Jimmy Lai in apparent connection with his criticism of the Chinese government and support for democracy in Hong Kong.

In March, national security police arrested two men for “sedition” for possessing banned children’s books whose authors and publishers were convicted of sedition in 2022.² Both were released on bail but could face up to two years in prison.

Prosecutions of members of pro-democracy and human rights groups continued even though most such groups had ceased to operate after the introduction of the NSL in 2020. On 4 March, three members of the Hong Kong Alliance in Support of Patriotic Democratic Movements in China (Hong Kong Alliance) – Chow Hang-tung, Tang Ngok-kwan and Tsui Hon-kwong – were found guilty of failure to comply with a 2021 police request under the NSL to provide information about the group’s membership, funding and activities. Chow Hang-tung, former vice-chair of the Hong Kong Alliance, refused to comply with bail conditions that restricted her right to freedom of expression and therefore remained in detention pending the outcome of her appeal. She was subjected to solitary confinement on multiple occasions, amounting to a total of 82 days.

On 1 March, the Hong Kong authorities lifted Covid-19 pandemic-related regulations on public gatherings. However, the right to protest remained highly restricted and an atmosphere of intimidation prevailed. In March, the Hong Kong Women Workers’ Association called off a march to mark International Women’s Day, apparently due to police concerns that “violent groups” would be present and threats that participants may be arrested.

In June, the Hong Kong government sought a court order to ban the popular pro-democracy protest song “Glory to Hong Kong”, and threatened to prosecute anyone who performed, broadcast or published it under the NSL or sedition laws.

On 4 and 5 June, police detained at least 32 people near Victoria Park, where the annual candlelight vigil to commemorate the Tiananmen crackdown was held until it was banned in 2020. The police claimed that those detained were “displaying protest items loaded with seditious wordings, chanting and committing unlawful acts”. All were subsequently released without charge.

In June, 10 former staff members and others linked to the 612 Humanitarian Relief Fund (set up to assist participants in the 2019 pro-democracy protests with legal and other costs but disbanded in 2021) were arrested on suspicion of “conspiracy to collude with a foreign country or with external elements” under the NSL and of “inciting a riot”. They were accused of accepting donations from foreign organizations in order to provide financial assistance to individuals who had fled Hong Kong or organizations advocating for sanctions against Hong Kong officials.

In July, five UN experts wrote to the Chinese and Hong Kong governments to raise concerns about the human rights implications of the proposed Regulation of Crowdfunding Activities issued in December 2022. They particularly highlighted the risks to the freedoms of association, peaceful assembly and expression of applying vaguely defined national security and counterterrorism grounds as a primary criterion for assessing the nature and purpose of crowdfunding activities.

In September, Zeng Yuxuan, a 23-year-old mainland Chinese postgraduate law student at the Chinese University of Hong Kong, pleaded guilty to sedition and was sentenced to six months' imprisonment for planning to display a banner depicting a sculpture by a Danish artist commemorating the Tiananmen crackdown. Zeng Yuxuan was due to be released in October having served most of her sentence in pretrial detention, but was deported to mainland China where she was believed to be held incommunicado. Her transfer was thought to be the first time someone from mainland China has been deported from Hong Kong after being convicted of sedition.

In December, police arrested seven people and issued arrest warrants for two others who were living overseas for "inciting others not to vote, or to cast an invalid vote" in District Council elections.

Repression of dissent

Targeting of overseas critics of the Hong Kong authorities continued. In July, police issued arrest warrants for eight activists, including three former legislators, who were self-exiled in Australia, the UK and the USA. They were accused of violating the NSL and a reward of HKD 1 million (approximately USD 128,228) was offered for information leading to their arrest. In October, four UN experts expressed serious concerns about the issuing of the warrants and called for the NSL to be reviewed. In December, five more overseas Hong Kong activists were added to the wanted list with the same rewards offered.

In November, 23-year-old student Yuen Ching-ting was sentenced to two months in prison for posting "seditious" messages on social media while she was studying at a university in Japan. Yuen Ching-ting, who pleaded guilty to posting 13 messages in support of Hong Kong independence, was arrested in March after returning to Hong Kong to renew her identity card.

In December, prominent student activist Agnes Chow posted on Instagram an account of how she was required to travel to mainland China and participate in "patriotic" events and visits to have her passport returned in order to study in Canada. Agnes Chow was imprisoned in 2020 but remained under surveillance after she was released on bail in 2021 and her passport was confiscated. Following her arrival in Canada

she said that she feared that she may never be able to return to Hong Kong and would be at risk of human rights violations if she did.

LGBTI people's rights

There were positive developments for LGBTI people's rights resulting from court decisions on challenges against discriminatory policies and practices. In February, the Court of Final Appeals found that the government had breached the rights of two transgender people by rejecting their applications to amend their gender on their identity cards because they had not undergone full reassignment surgery.

In August, in a case brought by a lesbian couple, the High Court legally recognized the non-gestational parent as the second female parent of their child. In another landmark ruling in September, the Court of Final Appeals declined to recognize same-sex marriage but ruled that the government had a constitutional duty to provide an alternative legal framework for same-sex relationships to be recognized. The Court set a timeline of two years for the rights of same-sex couples, including access to hospitals and inheritance, to be protected on equal terms with those of opposite-sex couples.³

In two other cases in October, the Court of Appeal declared discriminatory the government's denial of same-sex married couples' rights to rent and own public housing. It also ruled in favour of granting equal inheritance rights.

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1. ["Hong Kong: Case against 47 pro-democracy figures must be dropped as politically motivated trial begins", 6 February](#)
 2. ["Hong Kong: Arrests for possession of 'seditious' children's books a new low for human rights", 17 March](#)
 3. ["Hong Kong: Same-sex marriage ruling a moment of hope for LGBTI rights", 5 September](#)

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ecoi.net description:

Hong Kong: Report on the human rights situation (covering 2023)

Country:

China

Source:

[Amnesty International](#) (Author)

Published:

24 April 2024

Original link:

<https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/hong-kong/report-hong-kong/>

Document type:

Periodical Report

Language:

English

Available on ecoi.net since:

24 April 2024

Document ID:

2107910

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Country of Origin and	T +43 1 589 00 583	F.A.Q.
Asylum Research and	F +43 1 589 00 589	Data Protection Notice
Documentation	info@ecoi.net	
(ACCORD)		

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

