

# A PROPOSAL TO THE CANADIAN GOVERNMENT TO SUPPORT DEMOCRACY AND HUMAN RIGHTS IN HONG KONG

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Prompted by the public outcry against the extradition law amendment proposed by the Hong Kong SAR government last year, ordinary citizens in Hong Kong have been marching in the streets demanding freedom, democracy, and the protection of the rule of law – all things that we, Canadians, value highly.

In November 2019, over 2.9 million (71% of registered voters) voted in the district council elections, electing the largest proportion of pro-democracy candidates since the 1997 handover of the former British colony to China.

A poll conducted on December 17-20, 2019 shows that 59% of those in the poll supports the pro-democracy movement led by young people and students, and 57% favours the resignation of Hong Kong's Chief Executive Carrie Lam.

Instead of heeding the citizens' demands, the Government of Hong Kong has thus far resorted to using police force and imposing unconstitutional law to crack down on Hong Kongers' civil and political rights.<sup>1</sup> With the recent arrest on February 28, 2020 of two ex-legislative council members and a newspaper publisher for illegal public assembly six months ago during a pro-democracy protest, the government is still holding a tight fist.

The tactic by the Hong Kong Police Force has been indiscriminate and widespread. Children as young as 12 years old have been arrested.<sup>2</sup> Since the start of the protests, Hong Kong police has fired over 10,000 canisters of tear gas and an estimated 88% of the population has been exposed to tear gas.<sup>3</sup> As of February 27, 2020, more than 7,000 people have been arrested.<sup>4</sup>

Since the open immigration reforms of the 1960s, Hong Kong has been among the top sources of immigrants to Canada. Today, an estimated 500,000 Canadians are of Hong Kong descent. Conversely, there are over 300,000 Canadians of different backgrounds living in Hong Kong. Excluding the United States, Hong Kong is home to the largest community of Canadian expats.

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<sup>1</sup>“Anti-mask law to quell Hong Kong protests ruled unconstitutional by High Court”, South China Morning Post (SCMP), (18 November, 2019) <https://www.scmp.com/news/hong-kong/politics/article/3038184/anti-mask-law-quell-hong-kong-protests-ruled>

<sup>2</sup>“Boy, 12, is youngest person convicted in Hong Kong protests”, BBC, (November 21, 2019) <https://www.bbc.com/news/world-asia-china-50501084>

<sup>3</sup>“Fires on the streets, not tear gas, to blame for dioxins in Hong Kong air, environment minister says”, SCMP (November 20, 2019), <https://www.scmp.com/news/hong-kong/health-environment/article/3038647/fires-streets-not-tear-gas-blame-dioxins-hong>

<sup>4</sup>“Hong Kong starts standing down riot police as protests fade”, Hong Kong Free Press (February 27, 2020), <https://www.hongkongfp.com/2020/02/27/hong-kong-starts-standing-riot-police-protests-fade/>

Many Canadians – not only those with ties to Hong Kong – are extremely concerned about the deterioration of human rights and basic freedoms in that once vibrant city. Human rights groups including Amnesty International have called on the Hong Kong government for an independent commission to investigate police’s use of excessive force against protestors during protests and have asked the Hong Kong Government to safeguard protesters’ rights to freedom of assembly.<sup>5</sup>

Meanwhile, community-based organizations in Canada have seen an increased number of inquiries from Canadians who are concerned about the safety of their loved ones living in Hong Kong.

Given Canada’s strong connection to Hong Kong and its longstanding commitment to the promotion of human rights both at home and abroad, the Canadian government must consider its position with respect to the erosion of fundamental human rights in Hong Kong and the trampling on the Basic Law and One Country Two Systems by the Chinese government.

The Toronto Association for Democracy in China (TADC) and the Chinese & Southeast Asian Legal Clinic (CSALC) are seeking to work with concerned parliamentarians on workable solutions to protect those who wish to flee the ongoing violence and political oppression in Hong Kong. Some possible options that Canada may consider include:

- Offering temporary resident permits and/or student permits to student activists who have been arrested for participating in pro-democracy movement;
- Setting up a special program for Hong Kong citizens who face persecution from the Hong Kong Government (including but not limited to the use of “White Terror”<sup>6</sup> tactic);
- Relaxing family reunification program to allow Canadian citizens to sponsor their family members from Hong Kong;
- Adopting a law similar to the *Hong Kong Human Rights and Democracy Act of 2019* and the *Protect Hong Kong Act* recently adopted by the U.S. Senate; and
- Enacting the Sergei Magnitsky Act to sanction officials from the governments of Hong Kong SAR and China related to human rights violations and police violence perpetuated on peaceful protesters in Hong Kong since the start of the protest in June 2019.

Hongkongers are fighting for values that Canadians share: justice, peace, freedom of expression and freedom of the press. As a wounded city in distress, Hong Kong deserves Canada’s help.

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<sup>5</sup> Hong Kong: Government must investigate police violations and push back against Beijing’s “red line” Amnesty International (September 24, 2019) <https://www.amnesty.org/en/latest/news/2019/09/hong-kong-must-push-back-against-beijing-red-line/>

<sup>6</sup> “What is White Terror? The slipping of norms in Hong Kong’s flawed democracy”, Hong Kong Free Press (September 2, 2019) <https://www.hongkongfp.com/2019/09/02/democracies-dictatorships-ideal-political-system/>