

TORONTO ASSOCIATION FOR DEMOCRACY IN CHINA

Briefing notes on the latest development in Hong Kong

July 10, 2020

"As a global-facing activist, the choices I have are stark: to stay silent from now on or to keep engaging in private diplomacy so I can warn the world of the threat of Chinese authoritarian expansion."

Nathan Law, Founding Chairman of Demosistō

Passage of the National Security Law in Hong Kong

As anticipated, the National People's Congress Standing Committee of the People's Republic of China passed the [National Security Law](#) (NSL) on June 30, 2020 in order to stifle democracy, human rights and fundamental freedoms in Hong Kong. With this law, the Beijing government now has sweeping power and control over every facet of Hong Kong.

As Foreign Affairs Minister François-Philippe Champagne said in a statement, the new law "demonstrated disregard for Hong Kong's basic law and the high degree of autonomy promised for Hong Kong under the 'one country, two systems' framework." For this reason, Canada has suspended its extradition treaty with Hong Kong and will treat sensitive goods being exported to Hong Kong as if they were being sent to mainland China.

The International Bar Association has [publicly condemned](#) the new law as "contrary to the norms of international law, incompatible with the rule of law and fundamental human rights and inconsistent with the Basic Law of the Hong Kong SAR."

With new details of the legislation emerging, activists in Hong Kong and Canada have ample reasons to fear, not only for the future of Hong Kong, but for their personal safety. Under the NSL, acts of "separatism", "subversion", "terrorism" and "activities by foreign and overseas forces that interfere with state power" in Hong Kong are outlawed. Activists are particularly worried about the provision on "collusion" with foreign powers, as the term is subject to arbitrary interpretation and can lead to a complete dismantling of the civil society in Hong Kong.

The law gives authorities power to enter and search places for evidence, and restricts people under investigation from leaving Hong Kong. It allows for confiscation of the proceeds related to any offence endangering national security, and requires foreign political organizations and agents to provide information on activities concerning Hong Kong. Furthermore, the new security law is a serious blow to rule of law and judicial independence. A new Office of the National Security Commission of the PRC will be set up in Hong Kong SAR. Joining force with the Hong Kong Police, they will have [far-reaching powers](#) to further suppress and erode the rights and freedoms of Hong Kong citizens.

Chilling Effects on Rights and Freedoms

In just a week, the NSL has already created chilling effect on the relatively high level of autonomy, rights and freedoms that Hong Kong people were accustomed to.

The rallying cry of the pro-democracy protest movement, [“Liberate Hong Kong, Revolution of Our Time” has now been deemed illegal](#) and the movement’s anthem [“Glory to Hong Kong” banned in schools](#).

The police in Hong Kong arrested 370 people just one day after the law was passed, including protesters for taking part in “illegal assemblies” and for holding signs advocating for Hong Kong independence. The authority will soon be targeting activists who have spoken out or have garnered international attention. They will be arrested and extradited to China for show trial and sentencing.

On the labour rights front, according to Lee Cheuk Yan, the General Secretary of the Hong Kong Confederation of Trade Unions (HKCTU), there is special targeting on the more politically active and progressive unions, for example, the Hong Kong Professional Teachers’ Union whose members have been alleged of teaching critical thinking and spreading ‘wrong’ ideas to students.

Hong Kong civil servants are now required to [pledge allegiance to the CPP government](#). With the upcoming legislature election in September, government officials are intimidating candidates in the pro-democracy camp by [labelling their campaign as ‘criminal activity’](#).

Prominent pro-democracy leaders and activists in Hong Kong including Martin Lee have been charged and awaiting trial. Lee Cheuk Yan is currently facing seven criminal charges for violating the assembly ban order and inciting unrest.

[Nathan Law](#), the founding and former Chairman of Demosistō – a political party born out of the Hong Kong Umbrella Movement in 2014 – has gone underground. [The party was dissolved](#) after two other key members, Joshua Wong and Agnes Chow, have resigned.

Yet, in the midst of immense oppression, we witness the courage and creativity of activists who continue to speak out and stand firm on their commitment to democratic reform. With the banning of key slogans for the movement, [protesters are now carrying blank placards](#) to express their shared sentiment in an attempt to get the message across.

July 13, 2020 will mark the 3rd anniversary of the death of Liu Xiabo, the Nobel Peace Laureate of 2010 whose only crime was to advocate for freedom of expression through his words and publications and ended up dying in Chinese prison in 2017. It is also the date when Lee Cheuk Yan and all [the executive members of Hong Kong Alliance will stand trial](#) for charges arising from violating the assembly ban order on the annual June 4th vigil. In spite of the NSL, Hong Kong Alliance will continue to host a ceremony on that day, the same as what they did in the past two years, to remember Liu Xiabo and his unyielding belief on freedom of expression. People will not be silenced.

Responses from Other Governments

Immediately after the law was passed, the [United Kingdom government announced](#) it would allow the BNO passport holders and their dependents in Hong Kong to live in the

UK for five years with the right to work or study, thereby offering a pathway to citizenship for potentially 3 million eligible Hong Kong residents.

The day after the UK announcement, the Australian Prime Minister Scott Morrison expressed his concern and pledged that his country is ‘prepared to provide support’ to Hong Kong residents. On July 9, 2020, the [Australian government announced](#) that it is accepting Hong Kongers with existing student visas to become citizens after a 5 year stay.

A bipartisan group of U.S. Senators has introduced a [Hong Kong Safe Harbor Act](#) designed to give those who wish to flee from political persecution faster asylum seeking visa privileges to the U.S.

On July 9, 2020, the U.S. Department of the Treasury [announced sanction](#) on one Chinese government entity and four current or former government officials in connection with serious rights abuses against ethnic minorities in the Xinjiang Uyghur Autonomous Region.

This is a Canadian Issue: We Need Action Now

We applaud our government’s swift announcement in cancelling the extradition treaty agreement with Hong Kong. However, in view of the imminent danger faced by pro-democracy activists in Hong Kong, Canada must do more to support and protect the people of Hong Kong.

During his bid to win Canada a seat on the UN Security Council, Prime Minister Justin Trudeau has said securing a seat is not an end in and of itself, but a way for Canada to “continue to be influential” around the world. He said that being on the UN Security Council could “make sure our voice and values are heard on the highest levels.” He promised that regardless of what happens in the campaign, Canada will continue to be more engaged on the world stage.

Taking a stand to support the people of Hong Kong will show Canada being engaged on the world stage and ensuring the values that Canadians hold dear - respect for basic human rights and freedoms and protection of rule of law - are heard.

There are currently 300,000 Canadians residing in Hong Kong, and along with the hundreds of thousands of Hong Kong Canadian citizens across the country, Canada has a special and close relationship with Hong Kong. ***The extra-territorial reach of the National Security Law makes this a Canadian issue, not a Hong Kong issue.***

We understand that Canada is considering a “Young Talents” scheme which will enable some young Hong Kong protesters to resettle as a pathway to Canadian citizenship. As this scheme only targets youths between the ages of 18 to 35, there is an urgent need to recognize there are thousands of protesters who will be left behind. They can be high school students under 18, working parents, and other professionals who have played critical roles in supporting the pro-democracy movement last year.

We urge our government to immediately facilitate a consultation process with concerned groups across the country that have advocated for human rights and democracy in Hong Kong and China on the steps that need to be taken. We further ask Canada to:

- Immediately resume the Canada-China Relations Committee and hold a special Committee meeting on Hong Kong.
- Take the lead in facilitating a global coalition to monitor and act as a strong advocate for Hong Kong. Working within the UN system, including an address to the Human Rights Council, push the international community to take a strong position against China's continuous violations of human rights in Hong Kong and in China.
- Adopt the proposal put forth by [UK based Hong Kong Watch](#) and [Alliance Canada Hong Kong](#) and open up temporary and permanent residency programs to Hong Kong people—especially those who have family ties in Canada—to work, study and live in Canada.
- Create a special and expedited refugee program for Hong Kong activists involved in the pro-democracy movement, including those protesters facing criminal charges and a long jail sentence, similar to the special program created for the thousands of Chinese Nationals present in Canada right after the 1989 Tiananmen Square massacre.
- Apply the [Sergei Magnitsky Act to sanction officials from Hong Kong and China](#) who are directly responsible for or complicit in human rights violations in the continued suppression of human rights activists in Hong Kong, Tibet, Uyghur Region and China. Consult with pro-democracy groups such as [Alliance Canada Hong Kong](#) to compile the list of officials who should be subject to such sanctions.

The sentiments expressed in the quote below by Lee Cheuk Yan, one of the most courageous labour and human rights activists, underscores the urgency of our request.

"Hong Kong is in a crisis. We are the new Chinese dissidents, the new political prisoners!"

Hong Kong people have stood up against a powerful authoritarian regime to safeguard the core values of democracy, freedom of expression; and the rule of law for us all. It is incumbent upon us as members of the international community to take immediate action and extend our full support.