



Submission of **Hongkongers in Britain** to the **UN Human Rights Committee** for its **Review on Hong Kong (China)** at its 135th Session

Information on Item 4(b) of List of Issues on Hong Kong (China):

The Extraterritorial Impact of the Hong Kong National Security Law on the Rights and Freedoms of Overseas Hongkongers

May 2022

Introduction

1. Hongkongers in Britain (HKB) is deeply concerned that the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL) is affecting the rights and freedoms, which are protected by the International Covenant on Civil and Political Rights (Covenant), of Hongkongers who have moved to the United Kingdom (UK). There is now a growing community of overseas Hongkongers in the UK. Between January 2021 and February 2022, 104,000 Hongkongers were granted permission to live in the UK on a new immigration route for Hongkongers opened by the UK Government.¹

Impact on the right to freedom of expression, freedom of assembly and freedom of association (Articles 9, 19, 21 & 22 of the Covenant)

2. There is a growing concern that the authorities of Hong Kong and China are using the NSL to interfere with the Hongkongers and non-Hongkongers' exercise of the right to freedom of expression, the right to freedom of peaceful assembly and the right to freedom of association outside of Hong Kong.
3. HKB observes that many Hongkongers in the UK wish to remain anonymous when speaking on subjects related to Hong Kong and China. Two elements of the NSL are causing safety concerns for Hongkongers.
 - a. The NSL asserts extraterritorial jurisdiction. Articles 37 and 38 of the NSL provide that NSL applies to Hong Kong Permanent Residents outside of Hong Kong as well as non-Hong Kong Permanent Residents outside of Hong Kong.

¹ The Migration Observatory, "Migration statistics show UK's dependence on Ukrainian seasonal workers and more than 100,000 visas issues for BNO passport holders," 24 February 2022, <https://migrationobservatory.ox.ac.uk/press/migration-statistics-show-uks-dependence-on-ukrainian-seasonal-workers-and-more-than-100000-visas-issues-for-bno-passport-holders/>



- b. NSL prohibits some types of speech that are entirely lawful in Western countries. For example, according to the Dean of the Faculty of Law of the University of Hong Kong, calling for a referendum on Hong Kong independence could fall foul of Article 20 of the NSL.² However, an open discussion about the right to self-determination or an advocacy of the independence of a dependent territory by peaceful means is considered in the West to constitute free speech.
4. The Hong Kong Police (HKP) have used the NSL to interfere with the work of non-governmental organisations in the UK.
 - a. In March 2022, UK-based charity Hong Kong Watch (HKW) received a letter from the Hong Kong Police (HKP) accusing it, HKW, of violating the NSL and demanding the takedown of HKW's website pursuant to Article 43(4) of the NSL.³ HKW refused to comply with the HKP's order to remove its website. The HKP then instructed Internet service providers in Hong Kong to block access to HKW's website from Hong Kong.⁴
 - b. In May 2022, it was reported that HKP launched an investigation into Banyan Tree Aid (BTA).⁵ BTA is a UK-based Community Interest Company (CIC) that aims to provide humanitarian support to the people incarcerated in Hong Kong and their families.⁶ The HKP warned that anyone who sponsored BTACIC would breach the NSL.⁷
 5. HKB noticed a suspected case of surveillance and harassment of overseas Hongkongers who took part in demonstrations about Hong Kong in the UK. In January 2022, a group of Hongkongers staged a demonstration in Manchester, UK, against the Hong Kong authorities' crackdown on press freedom.⁸ During the demonstration, some participants noticed that they were being filmed by a Mandarin-speaking woman of Chinese ethnicity.⁹ The unmasked face of one of the participants was caught on that woman's camera. A few days later, the participant whose unmasked face was photographed told HKB that their home in Hong Kong

² “港版國安法 | 陳弘毅：策劃公投自決港獨 構成分裂國家罪,” HK01, 05 July 2022, <https://www.hk01.com/sns/article/494093>

³ “U.K.-based rights group says Hong Kong police accused it of violating security law,” Reuters, 14 March 2022,

<https://www.reuters.com/world/asia-pacific/uk-based-rights-group-says-hong-kong-police-accused-it-violating-security-law-2022-03-14/>

⁴ “Hong Kong Watch website blocked by internet firms in Hong Kong,” 14 February 2022, <https://www.hongkongwatch.org/all-posts/2022/2/14/hong-kong-watch-website-blocked-by-internet-firms-in-hong-kong>

⁵ “警國安處警告「課金」反華勢力涉犯法,” Wen Wei Po (Hong Kong, 22 May 2022), A8

⁶ Banyan Tree Aid, “細葉榕人道支援基金”, <https://www.banyanaid.org/%E5%9F%BA%E9%87%91%E4%BB%8B%E7%B4%B9>

⁷ “警國安處警告「課金」反華勢力涉犯法,” Wen Wei Po (Hong Kong, 22 May 2022), A8

⁸ “Expatriates rally for Hong Kong press freedom across UK, as scuffle ‘severely condemned’ by Chinese embassy,” Hong Kong Free Press, 14 January 2022, <https://hongkongfp.com/2022/01/14/expatriates-rally-for-hong-kong-press-freedom-across-uk-as-scuffle-severely-condemned-by-chinese-embassy/>

⁹ “2500 港人英國 4 城市集會 聲援香港新聞自由,” Epoch Times, 10 January 2022, <https://www.epochtimes.com/b5/22/1/10/n13493358.htm>



had been visited by officers of the HKP. In fear of retaliation upon his return to Hong Kong, the participant in question decided to apply for asylum status with the UK Government.

Impact of NSL on the free movement of overseas Hongkongers (Article 12 of the Covenant)

6. The enactment of the NSL and the arrests made under the NSL have a huge negative impact on overseas Hongkongers' freedom to visit or return to Hong Kong. In a study of prospective emigrants from Hong Kong conducted by HKB,¹⁰ nearly half of the respondents said they were hesitant to travel to Hong Kong. Specifically, 33% of the respondents were undecided about whether or not they would travel to Hong Kong again, and 15% of the respondents said that they would never travel to Hong Kong again.¹¹ HKB also found that the passing of the NSL is the main reason for Hongkongers leaving Hong Kong for the UK. 96% of the respondents said they wanted to leave Hong Kong because of concerns over personal safety after the passing of NSL.¹²

About the author

Hongkongers in Britain (HKB) is a UK-based non-profit organisation helping Hongkongers to settle in the UK. This submission was prepared by Jason CHAO (Director, Hongkongers in Britain).

¹⁰ Hongkongers in Britain, BNO Policy Study: Coming for Hope, December 2022, <https://www.hongkongers.org.uk/policy-study-coming-for-hope>

¹¹ Ibid.

¹² Ibid.