

*This is a summary of Benedict Rogers' Nov.1 talk at Citizen Power Forum run by Citizen Power Initiatives for China.*

It is my great privilege to be speaking today at the first of the Citizen Power Forum events. Initiatives like this are vital in a day when the Chinese Communist Party are using sharp power to attempt to silence pro-democracy and human rights voices.

I have worked on and spoken widely on a range of issues relating to China, from the persecution of Uighur, Falun Gong and Christians, to writing articles about Taiwan or the imprisonment of Uighurs, to commenting on China-Vatican relations.

I do so in several capacities: as East Asia Team Leader at the international human rights organisation CSW, which is my full-time job; as co-founder and Deputy Chair of the Conservative Party Human Rights Commission, which in 2016 conducted an inquiry into human rights in China and published a report, *The Darkest Moment: The Crackdown on Human Rights in China 2013-2016*; and as co-founder and Chair of Hong Kong Watch.

It is in that capacity that I am here tonight, to talk specifically about Hong Kong. Why? For two reasons: first because of my personal history – I spent five years in Hong Kong as a journalist shortly after the handover and have a deep love for the city; yet in October 2017, when I was attempting to visit the city to see friends I found myself denied entry at the border: an article I had written in support of the pro-democracy movement in 2017 meant that I was blacklisted and

not allowed in – my case exposed the severity of the crackdown and drew me to start Hong Kong Watch: the first international human rights NGO which focuses exclusively on Hong Kong.

And this ties to my second reason for speaking about Hong Kong today: our research at Hong Kong Watch shows that in the wider story about the increasing crackdown on civil society in China, Hong Kong has seen both an unprecedented crackdown in recent years but is also often neglected. I am here to say that when the USA raises human rights abuses in China, Hong Kong must not be forgotten.

## **Abductions, harassment and imprisonment**

In recent years, Hong Kong has experienced an unprecedented crackdown on its freedoms. Booksellers have been abducted, student protestors have been imprisoned, political candidates have been disqualified from running for election and legislators have been barred from the city's legislature. Press freedom, academic freedom and the rule of law are all facing pressures in an atmosphere where Xi Jinping's authoritarian rule increasingly limits freedom.

As with elsewhere in China the initial turning point was the rise of Xi Jinping. There has been a qualitative change in the government's policies in Hong Kong since President Xi came to power. The more laissez-faire approach of his predecessors has been replaced with an increasingly authoritarian mindset: one which prides control above all else – even the economic prosperity and institutions which Hong Kong's reputation has been built on.

Hong Kong's once free press, markets, law-courts and universities are being progressively drawn into the orbit of CCP control. Hong Kong is signed up to UN human rights standards, and the ICCPR is incorporated into the constitution – but this has not halted the crackdown.

The key watershed moment was the student-led 'Umbrella Movement' protests of 2014. An unprecedented outpouring of support for democracy, hundreds of thousands occupied the streets for 79 days, calling for the government to grant them universal suffrage.

This was a unique movement in Hong Kong; led by inspiring young people – some of whom I am now privileged to call my friends. It inspired the world and it awakened me to the changing situation in Hong Kong: every time I speak about Hong Kong I wear this yellow tie – to stand with the 'yellow ribbon' activists of the Umbrella Movement. I know few places in the world where people value their freedoms so highly: Hong Kongers deeply inspire me.

But this movement exposed the power of civil society in Hong Kong, and Beijing saw that as a threat: the crackdown has been excessive and breached human rights. It continues today and threatens to undermine Hong Kong's unique handover settlement – which is supposed to protect human rights – permanently.

## **Suppressing political protests**

The crackdown has found expression in varying forms: the most obvious place to start is with a

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crackdown on political protestors. More than 100 political protestors have been prosecuted and the activists imprisoned. This includes Joshua Wong, Alex Chow and Nathan Law, the leaders of the Umbrella Movement that Senator Rubio and Congressman Chris Smith nominated for the Nobel Peace Prize.

It also included Edward Leung, one of Hong Kong's most talented young activists, was sentenced to six years in jail for "rioting" for his involvement in the Mong Kok protests of February 2016. This was more than a Hong Kong police officer received for raping a woman in a hotel room. Aged 27, Mr Leung neither has a prior criminal record, nor did he in any way join those who threw stones. Yet the Hong Kong government chose to lock-up and shut-up one of their most powerful opponents for six of the most formative years of his life.

Many of these activists have been prosecuted with bad old colonial legislation which has been repeatedly criticised by the United Nations. The Public Order Ordinance is one of Britain's worst legacies in Hong Kong and has repeatedly been criticised by the UN for excessively curtailing freedom of expression.

But it is not the only colonial era law that China is using to intimidate and silence the democracy movement. Benny Tai, the mild-mannered law professor who masterminded protests in 2014, is being charged with "public nuisance".

In a bid to maximise his sentence, they have stacked absurd charges on him: not only accusing him of public nuisance, but also "incitement to public nuisance" and "incitement to incite public nuisance". The punitive use of this outdated common law charge from the British colonial era

does not reflect well on the Hong Kong government, which claims to be signed up to UN human rights standards.

Alongside the prosecution of political protestors, there has been the constriction of political party space. A political party was recently banned. Democratically elected lawmakers have been barred from the legislature and candidates have been politically screened at Beijing's bequest. Hong Kong Watch published a report on this recently titled: Political Screening in Hong Kong: A report on the disqualification of candidates and lawmakers.

It is worth noting that the disqualification of lawmakers has only been possible because of Beijing's interference in Hong Kong's independent law courts. Although judges remain more or less independent, and the rule of law is by-and-large intact, Beijing are increasingly interfering in cases where they want to rig the outcome.

In this instance, they effectively issued an amendment to Hong Kong's constitution to ensure that the candidates were successfully politically screened. Although the CCP do technically have the right to 'interpret' the constitution, they do not, under Hong Kong's mini-constitution, have the right to amend local laws. In order to disqualify candidates – they effectively amended local laws: and this was therefore a violation of human rights and the 'high degree of autonomy' that is guaranteed for Hong Kong in the constitution.

Judges have expressed fears that such interference could undermine the independence of the

judiciary. The former Court of Final Appeal Judge Kemal Bokhary says that the rule of law in Hong Kong faces a ‘storm of unprecedented ferocity.’

## **Erosion of academic freedom**

Beijing’s interference has not been limited to the political or legal space, but has spread into culture: the universities and the press are particularly vulnerable. In a report published by Hong Kong Watch in January 2018, Dr Kevin Carrico described the erosion of academic freedom.

The report highlights that the role academics played in the pro-democracy movement has led to a ‘growing top-down backlash [after the Occupy Movement] has attempted to limit academic freedom’, and that this is seen through three key trends: controversial academic figures – including those advocating Hong Kong independence – have been removed from their posts, seen promotions blocked, or are facing extra-legal campaigns to pressure their removal; State-appointed and politically-connected figures are governing universities in a manner divorced from the will of students and faculty; and there is a growing push to limit freedom of speech without any legal basis.

Different levers of control are being used to control the press. Censorship and self-censorship have restricted the work of independent media outlets. Although some of this is due to market forces, it can also be linked to active interference from the mainland. Mainland Chinese companies now hold controlling interests in most HKSAR media outlets, and since local businesses are known to withhold advertisements from publications that criticize the People’s Republic of China (PRC) government, self-censorship is on the rise.

In addition, journalists and other media workers, often supporters of democracy and expressing critical views, have been attacked, threatened or had their Hong Kong working visa revoked, in violation of Article 19(2) rights under the ICCPR. In 2013, Chen Ping, the publisher of iSun Affairs, suffered injuries following an attack by baton-wielding assailants. In 2014, Kevin Lau, the former editor-in-chief of Ming Pao was seriously injured in a knife attack.

During the Chinese New Year clashes in 2016, officers on duty attacked journalists covering the police standoff. In 2017, anonymous threatening letters were sent to Hong Kong Free Press (HKFP) co-founder and chief editor Tom Grundy as well as former and current HKFP staff members and their families. I myself have received five anonymous letters from Hong Kong – three sent to my neighbours in the street where I live in London, one sent to my mother, and one to trustees of CSW.

## **Self-censorship**

All of this leads to an atmosphere which encourages self-censorship – an unprecedented and worrying development which has led to HK being downgraded to number 70 on the Reporters Without Borders press freedom index. This had not impacted the international press until recently when in a disturbing development, the Financial Times Asia News Editor Victor Mallet was denied a working visa after hosting a controversial talk in his capacity as Vice-President of the Foreign Correspondent's Club. For one of the world's Financial hubs to deny a Financial Times journalist a visa is an unprecedented and worrying development.

Things are likely to worsen if the Hong Kong government pushes through National Security Legislation. Beijing is pressuring the Hong Kong government to introduce draconian national security legislation which incorporates vague charges including 'subversion', 'leaking state

secrets' and 'ties with foreign political organisations'. If badly drafted, this legislation will severely inhibit freedom of expression by introducing new vague, politicised terms into Hong Kong's legal code which do not adequately protect human rights and lead to further self-censorship.

An important point for the United States to consider is the implications that this could have for Hong Kong as a business hub. Hong Kong has historically been a strong base for international investment because of its robust rule of law and free expression which allows for transparency.

If journalists telling stories about corruption fear being sacked, as Shirley Yam of the South China Morning Post was in 2017, or worse sued for 'subversion' or 'leaking state secrets', they will be forced into self-censorship.

Who will be there to expose these stories and ensure Hong Kong remains a safe and transparent place to do business? Who will be there to guarantee that Hong Kong deserves special and distinct treatment for trade in comparison to mainland China? These questions are of critical importance.

If we want to avoid Hong Kong becoming just another mainland city, with similar levels of repression and a loss of freedom, it is vital that the international community acts and speaks up now. Hong Kong remains an international hub which means that international voices continue to carry influence: the USA is a key trade partner for Hong Kong – and therefore America can play

a role in stating that liberal values – democracy and the rule of law remain fundamental.

When Mike Pence gave his recent speech on China, he raised Taiwan, Tibet and the Uighur – next time he must raise Hong Kong too — because the USA could have a role in ensuring that the same processes which have happened in the more repressive parts of China are not repeated in Hong Kong.

## **Enough is enough**

I want to finish with by telling you about an incident at an event I organised at the Conservative Party Conference in Birmingham. I am both the co-founder and Chair of Hong Kong Watch and the co-founder and Deputy Chair of the Conservative Party Human Rights Commission, the two co-hosts of the fringe meeting. I invited Martin Lee, Benny Tai and Nathan Law, because they are three people of three generations for whom I have the utmost respect, and I wanted people in Britain to hear from three generations of democrats about our obligations to the people of Hong Kong.

I have been involved in politics long enough to be familiar with hecklers. If Kong Linlin, the woman who yelled abuse – first at me, then at the other speakers – had simply heckled, I would have defended her right to do so. If she had asked a question or expressed an opinion, no matter how challenging or hostile, as long as she had done so in a calm, reasonable manner, she would have been very welcome to do so. But instead, she yelled and screamed and shouted and refused to stop.

I had said that I am pro-China, in the sense that I am pro the people of China and wanted China as a country to succeed, even if I am a critic of the Chinese regime. I had said that I believed it was in China's interests for Hong Kong to succeed and for the promises to the people of Hong Kong to be honoured.

That made her go berserk. She screamed – with a ferocity and venom I have never seen before – that I was anti-China (even though I had just said I was pro-China), that I want to divide China (even though I have been consistently clear that I oppose calls for separation and I support 'one country, two systems), that I was a liar.

Presumably, later she would have said that I was a 'tango dancer' and a 'prostitute for a thousand years', the insults with which the last Governor of Hong Kong was laden. When she refused to stop screeching, despite respectful appeals to resume her seat having had her say, she then slapped a young volunteer who politely invited her to leave the event. She slapped him once, she slapped him twice, and then she hit him a third time. Not all of this is captured on the video which went viral, but the third hit is and the continued abuse is.

I want to finish today by saying: I remain pro-China. I have spent much of my adult life working with and for the people of China, including Hong Kong, ever since I went to Qingdao in 1992 aged 18. I never imagined then how China, and Hong Kong, would be today. Indeed, I had imagined that both would liberalise, whereas the opposite has happened.

But ultimately I don't believe that these developments are in China's interests. It is not in China's interests, US interests or Hong Kong's interests for the freedoms which make the city a successful financial hub to be undermined. China are creating an entrenched political opposition in HK by not respecting the agreement. And they are proving them untrustworthy international partners by violating the Sino-British Joint Declaration. Hong Kong has a unique role in the region and it is vital that it continues to be an open city. It is time to say to the CCP regime – 'enough is enough.'

*Benedict Rogers is the co-founder and Chair of Hong Kong Watch, a new advocacy organization established last year to speak up for Hong Kong's freedom and the rule of law. On 11 October 2017, Ben was denied entry to Hong Kong upon arrival, on the orders of the Chinese government, an incident which drew international media attention.*

*Ben is also the East Asia Team Leader at the international human rights organization CSW, which works for freedom of religion or belief for all, co-founder and deputy chairman of the UK Conservative Party's Human Rights Commission, co-founder of the International Coalition to Stop Crimes Against Humanity in North Korea, Senior Fellow at the Religious Freedom Institute, a trustee of the Chin Human Rights Organisation and the Phan Foundation, and a member of the advisory board of the International Coalition to End Transplant Abuse in China.*

*He is the author of six books, and a regular contributor to international and national media including The Wall Street Journal, The New York Times, The Catholic Herald, The Diplomat and The Huffington Post and has appeared on BBC, CNN, Sky, Al Jazeera and other television and radio stations. He has testified before the US Congress, European Parliament and British Parliament and is a regular speaker at conferences and universities.*