

HUMAN RIGHTS IMPERATIVES FOR THE NEW HONG KONG

**Press conference statement by
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Everyone has an interest in the success of Hong Kong's transition - and the future of human rights in Hong Kong will be a fundamental measure of that success.

The sky is not going to fall on Hong Kong at midnight on Monday. But we shouldn't all breathe a sigh of collective relief and move on to the next big international issue. The biggest threat to human rights in Hong Kong is complacency on the part of governments, the business community and the Hong Kong people. Any erosion of fundamental freedoms, or undermining of Hong Kong's institutions may be a gradual process -- restriction by installment -- a change here and a change there which may not seem significant but cumulatively will change Hong Kong forever.

We need to focus on what Hong Kong will be like in one year's time -- whether the people living and doing business here continue enjoying the social, political and economic freedoms they are entitled to under both the Basic Law and international law.

The act of decolonization and implementation of the 'one country, two systems' model should be an opportunity for human rights advances not setbacks. Hong Kong should present the world with a best practice model of the way civil and political freedoms complement and support stability and security, economic dynamism, diverse civil society, open and accountable government and the strong rule of law.

Amnesty International has produced this checklist of five imperatives for the new Hong Kong. They represent the bottom line for human rights protection against which the performance of the new government and the intentions of the authorities in China should be assessed over the coming 12 months.

- 1. International human rights standards should not be undermined:** The new authorities must not pass any laws which undermine the International Covenant on Civil and Political Rights.
- 2. Freedom of expression and association should not be restricted:** The new authorities must not use legislation on state secrets and subversion to limit peaceful political, social or economic activities, or use public order legislation to ban peaceful demonstrations.
- 3. Public confidence in the legislature should be restored:** The promised elections must take place in a free and fair climate and until then, the Provisional Legislature should not pass any legislation under article 23 of the Basic Law, or retroactively criminalize peaceful political activities.
- 4. The police, army and prison officers should remain under scrutiny:** This includes the establishment of an independent human rights commission empowered to investigate complaints against the security forces, and bringing PLA personnel under the jurisdiction of the Hong Kong courts for offences committed here.

5. Independence of the judiciary should not be compromised: All courts should have full independence, without interference from the government or National People's Congress, and any interpretation of the Basic Law by the NPC should be consistent with the ICCPR.

These are not just Amnesty International's concerns. They are shared by many Hong Kong people -- the thousands who expressed their dismay at proposals to tighten curbs on freedom of association and assembly and those who fear the corruption of their institutions or the cowing of their press.

Amnesty International is in Hong Kong to stay. We have had an active membership here since 1976 and our regional headquarters since 1989. We have been monitoring human rights developments here for over twenty years and making our concerns known to successive colonial administrations. Our one million members worldwide will continue to campaign for human rights in Hong Kong.

But it should not be just up to us. Governments, businesses and intergovernmental organizations all have a responsibility and self-interest in ensuring that human rights are protected in Hong Kong.

Businesses have a key role to play here. They are not separate to the people of Hong Kong, but an integral part of the community, and firms here will be just as affected by changes to the way government is conducted. An open and accountable government, an independent judiciary, freedom of information, the rule of law, and neutral and incorruptible state institutions are key elements in business protection as well as human rights protection.

Those campaigning for human rights protection are defending the rights of business people as well, and should expect support in return.

We want to see the business community endorsing this checklist of imperatives and actively promoting it with the new government. They should adopt codes of conduct to ensure that their operations here include human rights protection and promotion, and act now rather than complaining about frustrations and complications in a year's time.

Governments should also hold the new authorities and the Chinese government to account over Hong Kong, by monitoring their performance against Amnesty's checklist, publicly issuing regular human rights reports and calling on them to meet international commitments. Hong Kong should be on the agenda at all bilateral meetings with Chinese counterparts and be scrutinized by UN bodies. Hong Kong should not be quietly dropped from the agenda of their relations with China because of threats to economic ties.

Complacency and opinion polls that suggest that: 'Hong Kong people are only interested in money-making rather than human rights', or in 'social order rather than democracy' could become a self-fulfilling prophecy. It's important to rebut these divisions. Money-making and civil liberties are not mutually exclusive. Political freedoms and social order do not preclude each other.

Above all it is down to us all as individuals sharing a stake in the continued success of Hong Kong. There is some truth in the phrase 'you don't know what you've got till it's gone'. We all have to be vigilant to ensure that Hong Kong remains the unique, open and dynamic centre it is today.

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