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HONG KONG: NEW AUTHORITIES MUST BUILD CONFIDENCE IN HUMAN RIGHTS

HONG KONG -- The incoming Hong Kong Special Administrative Region (HKSAR) authorities need to move quickly to restore confidence in continued protection for human rights in Hong Kong, an Amnesty International delegation told a press conference today.

“The one country, two systems model is a bold experiment in law and autonomy. Everyone has a big stake in making it work -- government, business and civil society alike,” said Rory Mungoven, Amnesty International's Asia Director. “But the incoming authorities are fast eroding confidence by sending mixed signals on the critical issue of human rights.”

“Continued human rights protection will be essential to Hong Kong's future development,” Mr Mungoven said. “The rule of law, government accountability and the free flow of information will be critical factors in Hong Kong's continued stability, prosperity and competitiveness as a regional centre. Hong Kong, China and the international community have an interest in seeing these things continue.”

The Amnesty International delegation, which is meeting this week with members of the incoming Hong Kong Special Administrative Region (HKSAR) government, released a report which expressed concern about the future of legal safeguards for freedom of expression and association, the independence of the judiciary and laws governing the military garrison in Hong Kong.

The concerns flow from ambiguities in Hong Kong's Basic Law, issues left unresolved between the PRC and UK governments, and recent proposals by the HKSAR preparatory committee to amend Hong Kong's Bill of Rights and tighten curbs on the registration of non-governmental organisations and public demonstrations.

“The disquiet being expressed by Hong Kong people reflects the value they place on fundamental freedoms,” Mr Mungoven said. “What Hong Kong needs is a climate of optimism rather than uncertainty. “The incoming authorities should give unequivocal assurances that they will maintain and strengthen safeguards for human rights and back this up with action.”

The Amnesty International delegation urged Chief Executive-Designate Tung Chee-hwa to:

- .confirm that, in accordance with Article 39 of the Basic Law, all Hong Kong laws must be consistent with the provisions of the International Covenant on Civil and Political Rights (ICCPR), as envisaged by Hong Kong's Bill of Rights
- .agree to provide Hong Kong citizens with a human rights remedy they have never enjoyed under colonial administration by establishing an independent human rights commission

- .seek the PRC's agreement to a mechanism for his government to report to the UN Human Rights Committee on implementation of the ICCPR
- .ensure that any legislation passed under Article 23 of the Basic Law does not restrict freedom of association, peaceful assembly and other fundamental rights
- . commission an independent review to identify any further measures needed to safeguard the independence of the judiciary in Hong Kong
- .ensure the laws governing the military garrison in Hong Kong, including in a state of emergency, adequately protect the rights of Hong Kong's citizens and the jurisdiction of Hong Kong's courts
- .in line with his earlier statements, ensure that the death penalty is not restored.

Amnesty International noted that Mr Tung had told newspapers that he was “open to persuasion” on law reform proposals. It highlighted the contribution non-governmental organisations (NGOs) could make to the debate as a voice for civil society.

“Non-governmental organisations help to make Hong Kong the dynamic centre that it is. It will be critical to Hong Kong's future that the NGO community continues to flourish and defend human rights,” Mr Mungoven said.

Background

In January 1997, the Preparatory Committee for the HKSAR proposed the repeal of 16 laws and amendments to 9 others, including the Bill of Rights. Some of these proposed changes, if implemented, would risk diluting human rights safeguards in Hong Kong. These include changes to the Public Order Ordinance and Societies Act which would give the authorities more leeway to ban peaceful demonstrations, such as the commemoration of the Tiananmen pro-democracy movement in China held every year in Hong Kong, and NGOs that they deem to be undesirable. The broad wording of Article 23 of the Basic Law -- which governs treason, secession, sedition, subversion and state secrets -- also raises concern that the peaceful exercise of fundamental rights could be curtailed.

Ambiguities in the legal framework applicable to the People's Liberation Army garrison in Hong Kong after July 1997 could in practise make members of the garrison virtually immune from prosecution under HKSAR law if they infringe the rights of Hong Kong citizens. Martial law provisions governing any state of emergency in Hong Kong also permit restrictions to the exercise of basic rights which go beyond those permitted by the ICCPR.

Amnesty International is a worldwide human rights movement. It is impartial and independent of governments and political parties. It takes no position on political systems and territorial issues. Amnesty International has 1.2 million members and supporters around the world, a quarter of whom live in APEC member economies. Amnesty International has had a membership section in Hong Kong since 1976, which has been active in human rights awareness and education programs. In accordance with Amnesty International's policies, its Hong Kong members do not work on concerns in Hong Kong and China.

Amnesty International has been campaigning against human rights violations in Hong Kong since 1973. The organisation has raised with successive colonial administrations concerns on issues such as the treatment of asylum seekers and police ill treatment.

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