



**JUBILEE CAMPAIGN**  
**ECOSOC Special Consultative Status (2003)**

**Submission to the United Nations Human Rights Committee**  
**regarding**  
**Hong Kong, China**  
**for the 129<sup>th</sup> session**  
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**LIST OF ISSUES**

Submission by  
Jubilee Campaign

*Jubilee Campaign is a non-governmental organization in consultative status with the Economic and Social Council since 2003. Our work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children - to protect them from bodily harm and sexual exploitation.*

## ***I. Introduction***

Jubilee Campaign submits this report ahead of the adoption of the list of issues in advance of the Fourth Periodic Report of Hong Kong China at the Committee's 129th Session in June 2020. This report takes into consideration both the most recent Hong Kong State Report submitted to the Human Rights Committee, as well as the Human Rights Committee's Concluding Observations to examine Hong Kong's successes and failures in abiding by the provisions set out in the International Covenant on Civil and Political Rights. In regards to Articles 7, 9, and 11, we raise the issues of torture and degrading punishment of Hong Kong detained prisoners and protesters, arbitrary and prolonged detention, freedom of assembly, and trafficking in persons. With consideration to the recent outbreak of COVID-19, we also included a section discussing the increase in prevalence and frequency of domestic violence against women and children as a result of social isolation and confinement to one's home for an extended period of time.

## ***II. International Covenant on Civil and Political Rights***

### *Article 7*

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

### *Article 9*

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and accordance with such procedure as are established by law.

### *Article 21*

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

## ***V. Freedom of Assembly***

According to the United States Department of State, in accordance with the constitution which provides citizens freedom of assembly, this right was generally protected until "violence erupted" at a June 12 2019 Hong Kong protest, just three days into the massive movement against the introduction of the controversial extradition bill. Police commonly issued "letter of no objection" and allowed for such protests to continue. However, after the trends of more violent and dangerous protests, police began to withdraw such letters of approval and in some instances issued letters of objection.<sup>1</sup>

On June 12, the previously peaceful protests turned violent. At 9:50 a.m., Hong Kong police posted on Facebook in response to the blockade forming in the city that "appropriate force" would be implemented if

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<sup>1</sup> United States Department of State, *2019 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)*, *supra* note 6.

conditions worsened. Five minutes later, police released a warning flag with the phrase “disperse or we fire,”<sup>2</sup> provoking protesters to start pushing at police barriers. At 10:23am, protestors can be seen extracting loose pavement bricks, which are then used initially to build a brick barricade by the protesters a couple hours later. At 1:30pm, police release a statement that they are continuing to hold off on dispersing the protesters, but at 2:20pm protesters are recorded stockpiling metal poles and just after 3 p.m. protesters begin breaking the bricks into smaller pieces. Not long after, at 3:20 p.m., in response to the breaking of bricks, police launch pepper spray towards protesters, most of which are able to protect themselves with umbrellas. In response, protesters initially retreat, but are seen again pushing against the barricade, and the first objects are launched by protesters against police. Just before 4 p.m. police now launch tear gas into the crowds of protesters, and beanbag rounds- which can cause muscle spasms- are launched at protesters as well. By 4:10pm, protesters have made their way into the Legislative Council building and are met with police firing tear gas and smoke bombs; “some council members are providing tissues and water to protesters stung by the gas. They are complaining that police are mistreating people who have been tear gassed and arrested.” For the next few hours, tear gas and pepper spray continue to be unleashed on protesters, sometimes without provocation. As violence continues mainly at the hand of the police, multiple human rights and democracy advocates such as Amnesty International, even president of Taiwan, criticize the police for “clamping down on a largely peaceful protest with excessive force,”

While many statements made by Lam and other government sympathizers claimed that violence was carried out by both protesters and security forces, the majority of first-hand testimonies and even photographs<sup>3</sup> show pre-emptive violence by the police taken in response to protesters building blockades and preparing weapons in case of confrontation.

There are numerous additional sources corroborating the reports regarding the excessive use of force and other unlawful conduct exercised by the Hong Kong authorities against protestors and detainees. In August the UN Human Rights Office stated there was ‘credible evidence’ the Hong Kong police were ‘employing less lethal weapons in ways that are prohibited by international norms and standards’ when conducting crowd dispersal operations.<sup>4</sup> In late 2019, UN High Commissioner for Human Rights Michelle Bachelet reiterated her concerns in an opinion piece in which she called on the government of Hong Kong to investigate all instances in which excessive violence was used by police in their dealings with protestors.<sup>5</sup> Moreover, a Human Rights Watch report from December 2019 revealed 10,000 rounds of tear gas have been used and nearly 6,000 protestors arrested only six months into the movement.<sup>6</sup>

This use of tear gas, pepper spray, and other weapons is concerning for a few different reasons. Firstly, such tactics appear to be used pre-emptively in the protests rather than reactively. Sometimes, such tactics were used without any prior provocation. This violates the revised draft of UN Human Rights Committee General Comment on article 21 expanding on the right to freedom of assembly which states:

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<sup>2</sup> SCMP Reporters, “As it happened: Hong Kong police and extradition protesters renew clashes as tear gas flies”, *South China Morning Post*, 12 June 2019, available at: <https://www.scmp.com/news/hong-kong/politics/article/3014104/thousands-block-roads-downtown-hong-kong-defiant-protest> [accessed 28 May 2020].

<sup>3</sup> *ibid.*

<sup>4</sup> United Nations, Spokesperson for the UN High Commissioner for Human Rights, *Press briefing note on Hong Kong, China*, 13 August 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24888&LangID=E> [accessed 20 May 2020].

<sup>5</sup> “Hong Kong's Leaders Have Only One Exit Route out of Protest Crisis.” *South China Morning Post*, 1 Dec. 2019, [www.scmp.com/comment/opinion/article/3039705/hong-kongs-leaders-have-only-one-way-out-protest-crisis-broad-open](http://www.scmp.com/comment/opinion/article/3039705/hong-kongs-leaders-have-only-one-way-out-protest-crisis-broad-open). [accessed 28 May 2020].

<sup>6</sup> Sophie Richardson, “Numbers Tell the Story of Hong Kong’s Human Rights,” *Human Rights Watch*, 6 December 2019, available at: <https://www.hrw.org/news/2019/12/06/numbers-tell-story-hong-kongs-human-rights> [accessed 28 May 2020].

Where a decision is lawfully taken to disperse an assembly, force should be avoided. Where that is not possible in the circumstances, only the minimum force necessary should be used. As far as possible, any force used should be directed against a specific individual or group of participants in an assembly. Area weapons such as chemical irritants dispersed at a distance (tear gas) and water cannon tend to have indiscriminate effects. When such weapons are used, all reasonable efforts should be undertaken to limit risks such as causing harm to bystanders or causing a stampede. Tear gas should not be used in confined spaces.<sup>7</sup>

Not only has the use of tear gas and pepper spray been used disproportionately to the threat perceived, but it has been used in confined areas such as the Legislative Council building. Police have also hindered access to medical aid by arresting first aid workers<sup>8</sup> thus not fulfilling the Human Rights Committee recommendation to “ensure adequate medical facilities”<sup>9</sup> when enforcement officials are preparing to use force.

### ***III. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment***

In its most recent Concluding Observations regarding Hong Kong, which were published in 2013, the Human Rights Committee states its concern that Hong Kong’s definition of torture, which is not fully consistent with the international definition, could create “loopholes” and other obstacles which could prevent prosecution of perpetrators of torture.<sup>10</sup> However, in its Fourth periodic report, Hong Kong defends their definition stating that it is more expansive:

“Section 3(1) of the CTO makes it an offence for a public official or a person acting in an official capacity to ‘intentionally inflict severe pain or suffering on another in the performance or purported performance of his or her official duties.’ In comparison with the definition of ‘torture’ in Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the offence of torture in section 3(1) of the CTO is wider in scope. The offence is not limited by the purpose for which the perpetrator commits the act.”<sup>11</sup>

However Hong Kong, China also adds that, “In light of the broad scope of the offence of torture in section 3(1) of the CTO, the HKSAR remains of the view that it is necessary to provide for a defence in section 3(4) where the accused can prove that he had lawful authority, justification or excuse for the conduct in respect of which he is charged.”<sup>12</sup> This opening up of a “justification or excuse” for “intentionally inflict[ing] severe pain or suffering” is concerning since it would *de facto* authorise conduct “intrinsically equivalent to torture as defined in Article 1 of the CAT” - even if Hong Kong, China denies this. This

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<sup>7</sup> United Nations Human Rights Committee, *Draft General Comment No. 37 Article 21: right to peaceful assembly* [draft], available at <https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GCArticle21.aspx> [accessed 28 May 2020].

<sup>8</sup> Sophie Richardson, “Numbers Tell the Story of Hong Kong’s Human Rights,” *Human Rights Watch*, 6 December 2019, available at: <https://www.hrw.org/news/2019/12/06/numbers-tell-story-hong-kongs-human-rights>

<sup>9</sup> United Nations Human Rights Committee, *Draft General Comment No. 37 Article 21: right to peaceful assembly* [draft], *supra* note 6.

<sup>10</sup> United Nations Human Rights Committee, *Concluding observations on the third periodic report of Hong Kong, China, adopted by the Committee at its 107th session*, CCPR/C/CHN-HKG/CO/3 (29 April 2013), available from [undocs.org/en/CCPR/C/CHN-HKG/CO/3](https://undocs.org/en/CCPR/C/CHN-HKG/CO/3), para 8.)

<sup>11</sup> United Nations Human Rights Committee, *Fourth periodic report submitted by Hong Kong, China under article 40 of the Covenant, due in 2018* \*, \*\*, CCPR/C/CHN-HKG/4 (14 February 2020), available from [undocs.org/en/CCPR/C/CHN-HKG/4](https://undocs.org/en/CCPR/C/CHN-HKG/4), para 30.

<sup>12</sup> United Nations Human Rights Committee, *Fourth periodic report submitted by Hong Kong, China under article 40 of the Covenant, due in 2018* \*, \*\*, CCPR/C/CHN-HKG/4 (14 February 2020), available from [undocs.org/en/CCPR/C/CHN-HKG/4](https://undocs.org/en/CCPR/C/CHN-HKG/4), para 31.

conduct has been reported by Amnesty International, where prisoners and protestors experienced physical abuse that amounted to torture at the hands of the police.<sup>13</sup>

In September 2019, Amnesty International released a report reflecting on their findings after interviewing 21 protestors who had been injured or detained for their activity, as well as some lawyers representing these protestors and doctors who had personally treated their injuries.<sup>14</sup> Police officials physically abused a few Hong Kong protestors during their arrest and questioning and threatened to use increasing violence in prison. Some other detained protestors reported being sexually abused by police officials. According to the United States Department of State, many protestors reported experiencing the most physical abuse by police guards at San Uk Ling Holding Center where police officers engaged in “breaking bones and sexually assaulting detainees”.<sup>15</sup> While police have notably been responsible for such excessive use of force, Amnesty International identified another primary actor: The Special Tactical Squad, the paramilitary task force of the Hong Kong Police Force.<sup>16</sup> In the interviews of these victims of violence, the majority reported incidents such as being beaten with batons, kicked in their face and bodies, assaulted with pepper spray, and threatened electrocution and more physical abuse. Among the injuries of those interviewed are fractured ribs, facial bones, and arms, deep gashes in the head and facial region, and damaged teeth.

“Of the 21 arrested persons interviewed, 18 were admitted to a hospital either for injuries or illness related to their arrest and detention.”<sup>17</sup>

Despite the numerous sources and evidence of excessive violence and/or force is being used by police to deal with protestors, the government of Hong Kong in its most recent period report claims that police officers receive training on “the principle of proportionality when using force”<sup>18</sup> and that they face reprimanding for the cases in which they do use unnecessary force. In addition, Hong Kong, China reports it has “not received any complaint of torture as defined in the CTO [Crimes (Torture) Ordinance],” and has not had to prosecute anyone, as of 31 December 2017, for the offence of torture under the Crimes (Torture) Ordinance.<sup>19</sup> Given the amount of evidence from various sources of excessive force being used by police against protestors and those arrested, it is concerning that none of these cases have been documented by the Crimes Torture Ordinance. As Hong Kong, China reported, it only receives complaints of torture “as defined by the CTO [Crimes Ordinance],” this condition raises the Human Rights Committee’s expressed concern, that the definition of torture by Hong Kong, China facilitates “loopholes” in the prosecution of perpetrators, which is evidenced in the NGO reports and the lack of complaints and prosecutions made.

**We ask that Hong Kong, China seriously and genuinely review the Crimes Ordinance and investigate why no complaints of torture have been submitted to the Complaints Against Police Office when**

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<sup>13</sup> Amnesty International, “Hong Kong: Arbitrary arrests, brutal beatings and torture in police detention revealed,” 19 September 2019, available at <https://www.amnesty.org/en/latest/news/2019/09/hong-kong-arbitrary-arrests-brutal-beatings-and-torture-in-police-detention-revealed/> [accessed 26 May 2020].

<sup>14</sup> *ibid.*

<sup>15</sup> United States Department of State, *2019 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet) – Hong Kong*, available at: <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/china/hong-kong/> [accessed 26 May 2020].

<sup>16</sup> Amnesty International, “Hong Kong: Arbitrary arrests, brutal beatings and torture in police detention revealed,” *supra note 12*.

<sup>17</sup> *ibid.*

<sup>18</sup> United Nations Human Rights Committee, *Fourth periodic report submitted by Hong Kong, China under article 40 of the Covenant, due in 2018* \*, \*\*, CCPR/C/CHN-HKG/4 (14 February 2020), available from [undocs.org/en/CCPR/C/CHN-HKG/4](https://undocs.org/en/CCPR/C/CHN-HKG/4), para 36-37.

<sup>19</sup> United Nations Human Rights Committee, *Fourth periodic report submitted by Hong Kong, China under article 40 of the Covenant, due in 2018* \*, \*\*, CCPR/C/CHN-HKG/4 (14 February 2020), available from [undocs.org/en/CCPR/C/CHN-HKG/4](https://undocs.org/en/CCPR/C/CHN-HKG/4), para 34.

**individuals and the international community have reported “credible evidence” of the police using of methods that do not concur with international standards.<sup>20</sup>**

#### *IV. Arbitrary Arrest or Detention*

Despite the numerous confirmations of arbitrary arrest of protestors in Hong Kong, the government makes absolutely no mention of arbitrary detention in its most recent periodic report to the Human Rights Committee, which is quite concerning. According to Amnesty International there were several instances of arbitrary and unlawful arrests documented by the organization, as well as, “numerous cases where police denied or delayed access to lawyers and medical care to detainees.”<sup>21</sup> Amnesty International highlighted the importance of due process as, “an important safeguard against torture and other ill-treatment.”

Though it is very difficult to confirm whether arbitrary detention and arrest is taking place on a large scale, the Human Rights Foundation in March 2020 submitted an individual complaint to the UN Working Group on Arbitrary Detention regarding the unwarranted and arbitrary arrest of Johnson Yeung, a 28-year-old human rights protestor in Hong Kong. Yeung has a very deeply woven track record of organizing and participating in protests such as the Hong Kong Umbrella Movement of 2014.

On July 28, 2019, Yeung visited an area in the city of Central, Hong Kong, which was relatively nearby the location of the main extradition bill protests that were to occur that same night. At 10:30 p.m., he found himself between ChinaChem Tower and the International Finance Center Mall, where he noted seeing a large gathering of members of the Police Tactical Unit. Yeung was surrounded by hundreds of pedestrians, and PTU officials warned that everyone on the footpath between ChinaChem Tower and International Finance Center Mall were to disperse within five minutes. Yeung initially involved himself in the situation when he saw one of the officers use unnecessary force against a social worker who was complying with the directions and who had already begun to leave. PTU officers began to pursue Yeung for his attempts to mediate the argument between the officer and the social worker, and Yeung raised his hands above his head to display that he did not intend to start a commotion. Despite this signal, a PTU officer dragged him into the blockade of officers, and his facial coverings were ripped from his face, before he was pushed to the ground and repeatedly kicked. Without a warrant, PTU police searched through his belongings, and Yeung was transported to Kwai Chung police station. At the police station, a lawyer was sent by Yeung’s friends, and he was interrogated for a lengthy period of time, though Yeung refused to answer.

“At around 4 or 5pm the same day, Yeung was transformed from the carpark to a holding cell. Other detainees who required medical attention were required to wait in the parking lot for 4 to 6 hours before being sent to a hospital. Many of these protesters were not permitted to speak to family or to their lawyers within a reasonable time period.”

Police officers escorted Yeung to his home, where they searched through his home and belongings. After he was returned to his cell, he was eventually “released on bail pending an investigation” on July 30. Human Rights Foundation argues that in the case of Johnson Yeung, the criteria for arbitrary detention had been met:

1. “No legal basis can justify Yeung’s detention”- Yeung had not broken any law that required his arrest; he was detained for his verbal involvement in an argument.

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<sup>20</sup> United Nations, Spokesperson for the UN High Commissioner for Human Rights, *Press briefing note on Hong Kong, China*, 13 August 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24888&LangID=E> [accessed 20 May 2020].

<sup>21</sup> *supra note 4*

2. “Hong Kong deprived Yeung of his liberty as a result of his exercise of the rights guaranteed in Article 19 of the Universal Declaration of Human Rights”- Article 19 of the UDHR provides for the freedom of expression, which the PTU officials violated by arresting Yeung.
3. “Arbitrary arrest and lack of arrest warrant”- PTU officers had no official warrant to arrest Yeung. One officer simply told Yeung he was being detained for “obstructing police officers.” The police officer, however, did not show any warrant card prior to the arrest.
4. “Torture and Cruel, Inhuman, and Degrading Treatment/Punishment”- Yeung, along with the other protesters who were detained along with him, report their holding areas being extremely hot, dusty, dirty, and unclean. Yeung was given unsanitary toilet-flushing water to drink. “When asking for more information or complaining about the conditions, Yeung and the other detainees were threatened with being placed in the ‘air conditioning room,’ a room known to be where detainees were drenched with water and made to sit in very cold conditions. Each of these conditions and circumstances both separately and cumulatively amount to torture and cruel, inhuman and degrading treatment.”

This testimony, while only exhibiting the arbitrary detention of one individual, provides one detailed account of how the thousands of other arbitrary detentions during the 2019 Hong Kong Anti-Extradition Law protests are likely carried out: Hong Kong protestors are arrested without warrant according to dubious charges, and forced to experience unpleasant conditions during their time being held in police custody.

## ***V. Trafficking in Persons***

In its most recent period report to the Human Rights Committee, the government of Hong Kong makes the claim that:

“As regards the Committee’s recommendation to include certain practices regarding FDHs in the definition of the crime of human trafficking, the Committee is invited to note that the HKSAR addresses TIP [Trafficking in persons] through various pieces of local legislation, encompassing offences such as physical assault, false imprisonment, criminal intimidation, unlawful custody of personal valuables, child abduction, child pornography and exploitation of children, illegal employment, trafficking in persons for the purpose of prostitution, control over persons for purpose of prostitution, causing prostitution, living on earnings of prostitution of others, etc.”<sup>22</sup>

While this claim presents that the wide array of various local legislations aids the process of prosecuting those charged with trafficking in persons, the lack of a proper comprehensive definition of trafficking can make it extremely difficult to differentiate between crimes committed without the intent of trafficking and crimes committed with the intent of trafficking. Moreover, the United States Department of State in its 2019 Trafficking in Persons Report that:

“The absence of laws criminalizing all forms of trafficking impeded investigators’ ability to investigate or charge suspected traffickers, especially in cases where debt bondage began in a victim’s home country. This also resulted in the prosecution of trafficking crimes under laws with weak penalties.”<sup>23</sup>

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<sup>22</sup> United Nations Human Rights Committee, *Fourth periodic report submitted by Hong Kong, China under article 40 of the Covenant, due in 2018* \*, \*\*, CCPR/C/CHN-HKG/4 (14 February 2020), available from [undocs.org/en/CCPR/C/CHN-HKG/4](https://undocs.org/en/CCPR/C/CHN-HKG/4), para 70.

<sup>23</sup> United States Department of State, *2019 Trafficking in Persons Report*, June 2019, available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf> [accessed 28 May 2020].

In terms of victim protection, although there were significant efforts made to identify trafficking victims through a screening program, remarkably little was done to provide healing services to these individuals. For example, in July 2018, police detained 11 children who were victims of sex trafficking, but ultimately failed to determine that these children were trafficking victims through the screening program mentioned earlier. Therefore, all 11 children were returned to their home nations by the police without first receiving any government assistance or aid which the government has repeatedly promised to victims of human trafficking. For victims who are identified but have valid claims of non-refoulement, although provided food and living stipends by the government, they were not provided with medical services and therapy, and they were further restricted from finding jobs or education in Hong Kong.

## ***VI. Gender Violence and Violence against Children***

While there are few statistics regarding gender violence trends in Hong Kong, South China Morning Post draws on statistics from Hong Kong's Social Welfare Department to report that:

“There were 2,920 reports of domestic abuse cases in 2019, slightly lower than the 2,937 reported cases in 2018. There were 2,313 cases of physical abuse in 2019- almost 80 per cent of the total – followed by 311 cases of psychological abuse and 20 cases of sexual abuse, while 276 cases involved multiple types of abuse. Women accounted for 84.2 per cent of victims.”<sup>24</sup>

Recent news reports have revealed that domestic violence rates have gone up in recent months following the outbreak of the novel coronavirus due to families and partners being required to stay at home. The Hong Kong Federation of Women's Centres (HKFWC) has reported unprecedented high call rates from victims of domestic violence during the pandemic, most of whom are women and children.

In one case reported by the Hong Kong Federation of Women's Centres, a woman had begun experiencing violence at the hands of her husband once they started the process of self-isolation.<sup>25</sup> After calling the police twice, they visited her home but decided to not investigate further when her husband told them it was a private issue, despite the fact that the couple has two young children, ages 10 and four. In light of the police's refusal to take action, the wife left home with the older daughter, as her husband would not let the four-year-old daughter leave with them. This case is concerning because it displays the lack of legitimate concern by police, and the health status of the younger daughter remains unknown. It is extremely likely that there are thousands of cases similar to this one occurring throughout Hong Kong at this very moment.

The Harmony House, one safe house for women and children escaping domestic violence, has “received 900 hotline calls in March alone, and the number of domestic violence victims admitted into its shelter rose from 10 in January to 17 in February, and 18 in March.” According to the Harmony House supervisor Mandy Chan Man-yi, most of these newly admitted women cite the domestic abuse they endured as a result of conflicts with partners when spending more time together during the quarantine. Simple arguments over trivial things such as cleaning and whether to buy masks have caused dangerous domestic violence incidents.

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<sup>24</sup> Fiona Sun, “Stuck at home with a monster: more reports of violence against women, children in Hong Kong since start of pandemic”, 11 April 2020. available at: <https://www.scmp.com/news/hong-kong/health-environment/article/3079338/stuck-home-monster-more-reports-violence-against> [accessed 28 May 2020].

<sup>25</sup> *ibid.*

Similar to the unprecedented increase in incidences of domestic violence reported to the Hong Kong Federation of Women's Centres, organization Against Child Abuse have also reported a surge in calls, mostly from concerned people who have heard or witnessed their neighbors abusing their children.<sup>26</sup>

Child abuse, however, is not a new topic in Hong Kong. Though the Hong Kong Social Welfare Department has not released a report on child abuse in 2019, their 2018 report recorded 1,064 cases, 493 (46.3 per cent) of which were physical abuse cases, 297 (27.9 per cent) sexual abuse cases, 237 (22.3 per cent) neglect cases, 26 multiple abuse cases, and 11 psychological abuse cases.<sup>27</sup> In 2018, the case of 5-year-old girl Sui-lam Chan gained worldwide media attention. Sui-lam was rushed to the hospital one afternoon in January 2018 after complaining about not feeling well. By the time she arrived at the hospital, she was unconscious and had visible bruise marks all over her body. Sui-lam's father and step-mother were arrested, and during their trial, the statements of Sui-lam's two siblings were read, revealing the chilling details. The siblings reported that their father and mother had thrown Sui-lam into the air multiple times, causing her to hit her head against the ceiling. This abuse, according to Sui-lam's siblings, was a daily occurrence: Sui-lam had been beat with clubs, smacked in the face with shoes, and stabbed in the chest with scissors on multiple occasions. Additionally, she was neglected, not having been fed sufficient food and made to sleep without blankets in cold temperatures. It has been confirmed by uncovering photos taken by nursery workers that the kindergarten that Sui-lam attended had known from her physical appearance that she had been the victim of some kind of physical abuse at home, but had done little to report it.

## VII. *New National Security Legislation*

When Hong Kong was returned to China from British rule, the Basic Law was drafted as an interim constitution to protect essential freedoms of Hong Kong citizens during the transition of power; at the same time this Basic Law was drafted, Hong Kong was required to enact its own national security legislation, however protests prevented such legislation to be implemented; now, China has drafted its own legislation to be passed.<sup>28</sup>

In May 2020, Beijing made the decision to implement national security legislation in Hong Kong which would bypass Hong Kong's legislative procedures and likely criminalize such acts as "subversion, secession, foreign interference and terrorism," or any act which could be perceived as a challenge to national security.<sup>29</sup> While the contents of the legislation has not yet been publicly disclosed, it is believed that there might be no internal or external dialogue prior to the implementation of the legislation.

Many democrats and civil society organizations have raised their concerns and criticisms regarding the legislation: it would make it difficult to determine who has the authority over Chinese national security forces in Hong Kong;<sup>30</sup> that Hong Kong's citizens will not have a say in the legislation's drafting or

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<sup>26</sup> Fiona Sun, "Stuck at home with a monster: more reports of violence against women, children in Hong Kong since start of pandemic", *supra* note 23.

<sup>27</sup> Peace Chiu, "Number of child abuse cases in Hong Kong hits 14-year high, as activists urge action from Commission on Children," *South China Morning Post*, 24 February 2019, available at: <https://www.scmp.com/news/hong-kong/society/article/2187505/number-child-abuse-cases-hong-kong-hits-14-year-high>

<sup>28</sup> Grace Tsoi, "Hong Kong security law: What is it and is it worrying?", *BBC News*, 25 May 2020, available at: <https://www.bbc.com/news/world-asia-china-52765838>

<sup>29</sup> Kelly Ho, "Top Hong Kong barristers say 'unprecedented' security law draft has 'worrying and problematic features'", *Hong Kong Free Press*, 26 May 2020, available at: <https://hongkongfp.com/2020/05/26/top-hong-kong-barristers-say-unprecedented-security-law-draft-has-worrying-and-problematic-features/>

<sup>30</sup> *ibid.*

implementation;<sup>31</sup> that because it is drafted by Beijing it would not accede to the ICCPR, which Hong Kong legislatures cooperate with;<sup>32</sup> that it infringes upon Hong Kong's autonomy as is protected by the Sino-British Joint Declaration;<sup>33</sup> that it contradicts the agreed upon principle of 'one country, two systems';<sup>34</sup> and most importantly, that Hong Kong citizens' freedom of assembly, expression, and speech will be curtailed and criminalized.<sup>35</sup>

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<sup>31</sup> Kelly Ho, "Top Hong Kong barristers say 'unprecedented' security law draft has 'worrying and problematic features'", *supra* note 28.

<sup>32</sup> *ibid.*

<sup>33</sup> Michael R. Pompeo, "P.R.C. Proposal to Impose National Security Legislation on Hong Kong", *U.S. Department of State*, press release, 22 May 2020, available at: <https://www.state.gov/prc-proposal-to-impose-national-security-legislation-on-hong-kong/> [accessed 28 May 2020].

<sup>34</sup> Tony Cheung, "Beijing expands proposed national security law for Hong Kong to prohibit 'activities' that would 'seriously endanger national security'", *South China Morning Post*, 26 May 2020, available at: <https://www.scmp.com/news/hong-kong/politics/article/3086076/beijings-new-national-security-law-will-not-harm-hong-kongs> [accessed 28 May 2020].

<sup>35</sup> Grace Tsoi, "Hong Kong security law: What is it and is it worrying?", *BBC News*, *supra* note 27