

27 July 2022

ITUC Statement: CCPR – Hong Kong

On 1st July the authorities commemorated the 25th anniversary of Hong Kong's handover to China from Britain.

We are deeply concerned that the conditions precedent for the exercise of trade union and labour rights, which is the respect for civil liberties and human rights, is fast deteriorating.

Regrettably, the hopes of the human rights community, contained in the one country two systems, is shattered with situation for free and independent trade unions, human rights defenders and civil society organizations and their leaders being dire with no robust protection for civil liberties including freedom of association, assembly, expression and dissent.

We must recall, in particular, the principle affirmed in 1970 by the International Labour Conference in its resolution concerning trade union rights and their relation to civil liberties, which recognizes that “the rights conferred upon workers’ and employers’ organizations must be based on respect for those civil liberties which have been enunciated in particular in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, and that the absence of these civil liberties removes all meaning from the concept of trade union rights”.

We have raised very deep concerns with the National Security Law in Hong Kong and its implementation including the persecution of dissent and criminalisation of the free exercise of civil liberties and human rights. Since 2019, the police has arrested more than 10,000 people exercising their right to freedom of assembly and protest, 162 human rights defender and journalists with national security charges, prosecuted 8 trade unionists. More than 100 civil society organisations, international human rights organisations, trade unions including the Hong Kong Confederation of Trade Unions; and 4 press groups have been forced to disband or liquidated. The authorities are seeking to apply the National Security Law extraterritorially against trade unionists and others in the diaspora.

The Hong Kong authorities must;

- Stop using the Trade Union Ordinance and Societies Ordinance to impose surveillance and de-register trade unions;
- Amend the Trade Union Ordinance, Societies Ordinance, and withdraw the plan to insert broad national security offences in Trade Union Ordinance and

labour regulations in compliance with international human and labour rights obligations including the ICCPR;

- Protect and respect the right to freedom of associations for trade unions and civil societies in law and practice, to enable them operate freely and exercise their rights without interference and stigmatization;
- Withdraw the charges and release the trade union and labour leaders who have been put under remand for exercising legitimate rights under the Covenant;
- Repeal Article 22 on subversion and Article 29, 30 on collusion under the *National Security Law*, amend the *Implementation Rules of Article 43 of the National Security Law* to ensure that they are compatible with international human and labour rights obligations including the ICCPR;
- And ensure that the amendment of the national security legislation or any related domestic laws is done with the meaningful public consultation and wide engagement of trade unions;
- The Public Order Ordinance and extensions of the Prevention and Control of Disease (Prohibition on Group Gatherings) Regulation (Cap. 599G) should be subject to review to ensure that the right to freedom of assembly and free expression are not hindered.

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