



## FREEDOM IN THE WORLD 2021

# Hong Kong\*

PARTLY FREE

# 52

/100

<u>Political Rights</u>	15/40
<u>Civil Liberties</u>	37/60

## LAST YEAR'S SCORE &amp; STATUS

55/100

Partly Free

Global freedom statuses are calculated on a weighted scale. See the methodology.

\* Indicates a territory as opposed to an independent country.



# Note

*Freedom in the World* reports assess the level of political rights and civil liberties in a given geographical area, regardless of whether they are affected by the state, nonstate actors, or foreign powers. Territories are sometimes assessed separately if they meet certain criteria, including boundaries that are sufficiently stable to allow year-on-year comparisons. For more information, see the [report methodology](#) and [FAQ](#).

## Overview

The people of Hong Kong, a special administrative region of China, have traditionally enjoyed substantial civil liberties and the rule of law under their local constitution, the Basic Law. However, the chief executive and about half of the Legislative Council (Legco) are chosen through indirect electoral systems that favor pro-Beijing interests, and the territory's freedoms and autonomy have been sharply reduced in recent years amid growing political intervention from the mainland.

## Key Developments in 2020

- A prodemocracy protest movement that arose in 2019 continued into the new year, with participants calling for the resignation of Chief Executive Carrie Lam, direct elections for her post and all seats in the Legco, the release and exoneration of detained protesters and activists, and an independent inquiry into police conduct, among other priorities. The mass protests eased for a time as the COVID-19 pandemic prompted social-distancing rules and restrictions on movement, though demonstrations and activism continued on a smaller scale.
- In April, police arrested 15 leading figures in the democracy movement, including current and former legislators, and charged them with participation in unlawful assemblies in connection with the 2019 protests.
- At the end of June, the Standing Committee of China's National People's Congress (NPC) abruptly passed a new National Security Law (NSL) for Hong

Kong, with immediate effect and no public consultation. The measure created broadly worded new offenses—separatism, subversion of state power, terrorism, and collusion with foreign states—and asserted universal jurisdiction. It also allowed for the transfer of cases to mainland China for trial, established a secretive new security apparatus to enforce its provisions, and provided for closed trials by hand-picked judges. The law was used for the rest of the year to arrest and charge prominent media figures, politicians, and activists associated with the protest movement.

- In July, prodemocracy parties held primary elections ahead of Legco elections scheduled for September, but Lam invoked emergency powers two weeks later to postpone the Legco elections by a year, citing a rise in COVID-19 infections. The government also launched an investigation into whether the primary voting violated the NSL.
- In November, Legco members from the prodemocracy opposition resigned en masse after four of their colleagues were disqualified and unseated by the Hong Kong government under a new directive from the NPC in Beijing.

## Political Rights

### A. Electoral Process

**A1** 0-4 pts

**Was the current head of government or other chief national authority elected through free and fair elections?**

**0/4**

The chief executive, who serves a five-year term, is chosen by a 1,200-member election committee. Some 200,000 “functional constituency” voters—representatives of elite business and social sectors, many with close Beijing ties—elect 900 of the committee’s members, and the remaining 300 consist of Legco members, Hong Kong delegates to China’s NPC, religious representatives, and Hong Kong members of the Chinese People’s Political Consultative Conference (CPPCC), a Chinese government advisory body.

In 2017, Carrie Lam, a former deputy to outgoing chief executive Leung Chun-ying and Beijing's favored candidate, was chosen as Hong Kong's fourth—and first woman—chief executive, with 777 election committee votes. Her main opponent, former financial secretary John Tsang, received just 365 votes despite drawing far more support than Lam in public opinion polls. As in the past, the selection process featured reports of heavy lobbying by central government representatives.

## A2 o-4 pts

**Were the current national legislative representatives elected through free and fair elections?**

**1/4**

Of the Legco's 70 seats, 30 are elected by functional constituency voters, 35 are chosen through direct elections in five geographical constituencies, and the remaining five are directly elected after nominations by Hong Kong's 18 district councils from among their own members. Members serve four-year terms.

In the September 2016 elections, a growing movement emphasizing localism and self-determination emerged to compete with existing pro-Beijing and prodemocracy camps. Candidates from this movement, which grew out of the 2014 Umbrella Movement, captured six seats. Other prodemocracy parties took 23 seats, while pro-Beijing parties won 40; an independent took the remaining seat.

Authorities responded to the new opposition dynamic by tightening qualification rules, forcing out lawmakers, and making it increasingly difficult for localist and prodemocracy candidates to win office. In October 2016, after some localist and prodemocracy Legco members altered their oaths of office as a form of protest, the oaths of two of them were rejected. The NPC in Beijing issued an unusual Basic Law interpretation soon afterward, requiring oaths to be taken "sincerely and solemnly," and the courts then upheld the two disqualifications. In July 2017, the government received court approval to remove four other Legco members who made political statements during their 2016 swearing-in ceremonies.

Following months of dramatic prodemocracy protests in 2019, prodemocracy candidates won a record-breaking 389 of 452 elected seats in district council



elections that November, with pro-Beijing candidates obtaining just 58 seats, down from 300 in the previous elections. The polls featured the highest voter turnout since Hong Kong began holding district council elections, and were seen as a ringing endorsement of the protest movement. Prodemocracy parties were left in control of 17 of the 18 district councils. The elections were, however, marred by an Electoral Affairs Commission (EAC) decision to disqualify activist Joshua Wong on the grounds that “advocating or promoting ‘self-determination’” made his candidacy invalid. The election period also featured violent physical attacks on a number of candidates on both sides.

In July 2020, Chief Executive Lam invoked emergency powers to postpone by a year the Legco elections due in September, citing the threat of COVID-19. The NPC Standing Committee in Beijing then approved the extension of the existing legislature’s term. In November, the NPC Standing Committee issued a directive allowing the Hong Kong government to summarily remove—without judicial review—lawmakers whom it deemed to have promoted or supported Hong Kong independence, solicited foreign forces to interfere in Hong Kong’s domestic affairs, refused to recognize China’s sovereignty over Hong Kong, or engaged in behavior that endangered national security. Lam’s government quickly ousted four Legco members under the new authority, prompting all 15 of the remaining prodemocracy opposition lawmakers to resign in protest.

### A3 0-4 pts

<b>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</b>	<b>1 / 4</b>
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Universal suffrage, meaning direct elections, is the “ultimate aim” under the Basic Law, but Beijing and the Hong Kong leadership have permitted only incremental changes to the electoral system since its inception. The system continues to favor pro-Beijing interests and prevents direct elections for many offices, and the most recent changes have had the effect of excluding opposition candidates and views. Ahead of the 2016 Legco elections, the EAC required all candidates to attest in writing to their belief that Hong Kong is unquestionably a part of China, based on

certain Basic Law provisions. The EAC invalidated the nominations of six localist candidates for failure to comply, preventing them from running. The 2016 Basic Law interpretation concerning “sincerity” and “solemnity” in oath-taking bolstered the EAC’s power to block candidates on similar grounds, and the NPC’s two major decisions in 2020—the adoption of the NSL and the November directive on removing lawmakers who pose a threat to national security—gave the government far-reaching authority to shape future electoral outcomes.

## B. Political Pluralism and Participation

**B1** 0-4 pts

**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

**2/4**

The political choices of Hong Kong residents are limited by the semidemocratic electoral system, which ensures the dominance of pro-Beijing parties and candidates. The largest pro-Beijing party is the Democratic Alliance for the Betterment and Progress of Hong Kong. The main parties in the prodemocracy camp are the Civic Party and the Democratic Party, and key localist groupings include Youngspiration and Civic Passion. The Chinese Communist Party (CCP) is not formally registered in Hong Kong but exercises considerable influence.

In 2018, Hong Kong’s secretary for security officially banned the proindependence Hong Kong National Party (HKNP), alleging that its activities were likely to threaten national security, public safety, and public order. The move marked the first blanket prohibition of a political party in Hong Kong since the territory’s 1997 handover from Britain to China.

The government took more aggressive steps in 2020 to outlaw localist and prodemocracy political activity. In addition to the politicians and activists who were arrested during the year for alleged violations of the NSL and for organizing unlawful assemblies, arrest warrants were issued for prodemocracy figures who had recently sought safety abroad. Individuals accused of helping such people to flee the territory were similarly subject to arrest. The government declared that the slogans used in the 2019 protest movement, such as “liberate Hong Kong, revolution of our times,” connoted support for Hong Kong independence in violation of the NSL, and authorities arrested people for carrying materials displaying versions of these slogans.

**B2** 0-4 pts

<b>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</b>	<b>1/4</b>
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Prodemocracy legislators have historically enjoyed substantial minority representation alongside their pro-Beijing counterparts. However, after a series of disqualifications and expulsions that began in 2016 culminated in the mass resignation of prodemocratic lawmakers in November 2020, there were no democratic opposition candidates in the Legco at year’s end, and the postponement of Legco elections meant that this would remain the case for at least another year.

The subjective nature of the NPC’s standards for oath-taking, the expansive criminalization of speech and political activity under the NSL, and the chief executive’s discretionary authority to remove Legco members under the NPC’s November 2020 directive all invite arbitrary enforcement and pose serious obstacles for the opposition in future elections. In July, for example, the Hong Kong government used the NSL to disqualify a dozen prodemocracy candidates from running in Legco elections. Also that month, Beijing declared that the opposition’s Legco primary elections were “illegal,” and the Hong Kong government launched an investigation into whether the primary organizers had violated the NSL; Lam argued that by planning to win a majority in the Legco and use parliamentary procedures to

force her resignation, the participating opposition figures could have violated the security law's prohibition on subversion of state power.

*Score Change: The score declined from 2 to 1 because authorities used the Beijing-imposed National Security Law to disqualify and arrest opposition politicians, and because a decision by the Chinese government empowered the Hong Kong government to summarily remove opposition legislators, prompting the prodemocracy bloc in the Legislative Council to resign en masse.*

### **B3** 0-4 pts

<b>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b>	<b>1/4</b>
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The unelected CCP leadership in Beijing exerts a powerful influence on politics in Hong Kong through a variety of channels, including the NPC's ability to issue interpretations of the Basic Law, the cooptation of Hong Kong business leaders through their mainland assets and membership in the NPC or CPPCC, and lobbying or harassment of election committee members and other political figures to ensure favorable electoral outcomes. In what was interpreted as a threat to prodemocracy protesters, Chinese troop carriers were seen massing near the Hong Kong border in Shenzhen in August 2019. In October 2019, Chinese president Xi Jinping issued a warning that attempts to divide China—a reference to Hong Kong protesters—would end in “bodies smashed and bones ground to powder.” The 2020 NSL, imposed without consultation by the central government, gives Beijing vastly expanded powers in Hong Kong, in part by establishing a centrally controlled security apparatus in the territory, and by allowing defendants in some NSL cases to be transferred to the mainland for prosecution and punishment.

### **B4** 0-4 pts

<b>Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?</b>	<b>3/4</b>
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While there are no formal restrictions preventing women or members of ethnic minority groups from voting or running for office, their participation is limited in practice, with just 12 women and no ethnic minority candidates elected to the Legco in 2016. Approximately 8 percent of Hong Kong's population consists of non-Chinese ethnic minorities, and more than half of such residents are foreign nationals working as domestic helpers. Most have origins in South or Southeast Asia.

Hong Kong's first and only openly gay Legco member, Raymond Chan, was initially elected in 2012 and reelected in 2016, but he resigned in September 2020 to protest the postponement of elections; he was later arrested for having disrupted legislative sessions in May.

## C. Functioning of Government

**C1** 0-4 pts

**Do the freely elected head of government and national legislative representatives determine the policies of the government?**

**1/4**

Directly elected officials have little ability to set and implement government policies under the territory's political system, and unelected mainland authorities are highly influential. The Basic Law restricts the Legco's lawmaking powers, prohibiting legislators from introducing bills that would affect Hong Kong's public spending, governmental operations, or political structure.

As a result of the 2017 removal of some prodemocracy lawmakers and the outcome of 2018 by-elections, the prodemocracy camp lost an important legislative veto power that requires control over a majority of geographical constituency seats. In May 2020, pro-Beijing lawmakers took control of a key Legco committee amid scuffles between opposition members and security guards, further reducing the prodemocracy camp's ability to block controversial legislation. By year's end, with the NSL in force, elections postponed, and all prodemocracy opposition members ousted or resigned from their seats, what remained of the Legco offered few meaningful checks on executive authority.

**C2** 0-4 pts**Are safeguards against official corruption strong and effective?****3/4**

Hong Kong is regarded as having generally low corruption rates, and some high-ranking officials have been successfully prosecuted for graft-related offenses in the past. However, residents perceive the government to be lagging in the fight against corruption. In January 2019, Secretary for Justice Teresa Cheng survived a motion of no confidence in the Legco after consistently rejecting calls to explain why she dropped a corruption case against former Hong Kong chief executive Leung Chun-ying.

An increasing source of concern has been the apparently politicized application of anti-money laundering and anticorruption laws against organizations connected with the 2019 protest movement. In December 2020, for example, a church that had promoted de-escalation of clashes between police and protesters had its accounts frozen, its staff arrested, and its premises raided over claims that it had hidden or misused donations.

**C3** 0-4 pts**Does the government operate with openness and transparency?****2/4**

Hong Kong has no freedom of information law, nor does it have any specific legislation relating to the management of government records and archives. Although an administrative code—the Code of Access to Information—is intended to ensure open access to government records, it includes broad exemptions, and official adherence is inconsistent.

Consultations between Hong Kong officials and the Beijing government, represented by a Liaison Office in the territory, are largely opaque, leaving the extent of Beijing's influence on the local government's decisions unclear to the public. There is no transparency regarding central government processes that directly affect Hong Kong.

The 2020 NSL was drafted in secret and announced without public consultation, taking effect almost immediately after the text was first published.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

Are there free and independent media?	<b>2/4</b>
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The Basic Law has historically acted as a bulwark for press freedom, and the mainland's internet censorship regime does not yet apply in Hong Kong. Residents have long had access to a variety of print, broadcast, and digital news sources.

However, in recent years the Hong Kong and Chinese governments, alongside businesses with close Beijing ties, have increased political and economic pressure on the media. Some local news outlets have been acquired by mainland businesses. These trends have resulted in self-censorship among journalists, changes in editorial content, and a rise in mainland-style practices. Certain outlets have carried propagandistic content, such as dubious “confessions” by mainland political detainees. In 2018, the Hong Kong government refused to renew an employment visa for Victor Mallet, a veteran journalist for the *Financial Times* and vice president of Hong Kong's Foreign Correspondents' Club (FCC), after he chaired an FCC event featuring a leader of the HKNP. In July 2020, Hong Kong denied a work permit to *New York Times* correspondent Chris Buckley, who had been expelled from the mainland in May.

During the protests of 2019, journalists were assaulted, detained, sprayed with blue dye (used by police to identify protesters) and tear gas, struck by projectiles, and

threatened with live ammunition.

In August 2020, prodemocracy media owner Jimmy Lai was arrested along with several others on suspicion of “colluding with foreign forces,” and police executed search warrants at the headquarters of his *Apple Daily* newspaper. In December, about 100 workers at the i-Cable news network, including the entire staff of a respected investigative news program, were laid off, prompting mass resignations by other employees to protest what they considered to be politically motivated firings. Also that month, longtime Hong Kong journalist Kent Ewing reported that the planned publication of his book, a history of Hong Kong from 1997 to the present, had been canceled because, due to “political circumstances,” printers and bookstores refused to handle it.

## D2 0-4 pts

<b>Are individuals free to practice and express their religious faith or nonbelief in public and private?</b>	<b>4/4</b>
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Religious freedom is generally respected in Hong Kong. Adherents of the Falun Gong spiritual movement, which is persecuted in mainland China, are free to practice in public. However, they have complained of counterdemonstrations and harassment by members of the Hong Kong Youth Care Association (HKYCA), which has ties to the CCP.

## D3 0-4 pts

<b>Is there academic freedom, and is the educational system free from extensive political indoctrination?</b>	<b>1/4</b>
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University professors have historically been able to write and lecture freely, and political debate on campuses has been lively. However, since its enactment in June 2020, the NSL has been used aggressively to suppress discussion of Hong Kong independence and control discussion of the 2019 protest movement. Both public and private schools, colleges, and universities have been affected. In the years preceding

the new law, government-led revisions of history curriculums and textbooks, and attempts to instill Chinese patriotism, had stirred accusations of a pro-Beijing agenda in primary and secondary education.

During the 2019 protest movement, Hong Kong's education bureau reportedly instructed teachers to avoid questions about the demonstrations and declared that class boycotts by students were illegal. In November 2019, police laid siege to protesters on two campuses—the Chinese University of Hong Kong and Hong Kong Polytechnic University—and standoffs took place at the City University of Hong Kong and Hong Kong University. The siege at Polytechnic University lasted almost two weeks; thousands of tear gas canisters were used at the school, and over a thousand people were arrested. Multiple universities in Hong Kong canceled classes for the remainder of the term. Professors found guilty of involvement in protests have since faced dismissal by their universities.

In July 2020, the Hong Kong government instructed schools to pull books that might breach the NSL. As part of its enforcement of the ban on discussions of independence on school campuses, the government deregistered a primary school teacher for life in September.

#### **D4** 0-4 pts

<b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b>	<b>2/4</b>
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Hong Kong has a tradition of free personal expression and private discussion, but local and mainland security agencies have been suspected of monitoring the communications of prodemocracy activists for some years, and they now have a specific mandate to do so under the NSL, which permits warrantless surveillance and wiretapping. The law also allowed mainland authorities to establish security agencies in the territory under their own jurisdiction, and people charged with NSL offenses can be detained and tried on the mainland. The NSL's enactment reportedly prompted many social media users to self-censor, shutter their accounts, or delete existing content that could run afoul of the law.



Surveillance of demonstrators was already a serious concern during the 2019 protests, with police and the government using facial recognition technology and blue dye to identify participants. The government enacted a ban on face masks at all demonstrations under the Emergency Regulations Ordinance, in a bid to prevent participants from avoiding identification. There were also reports of Hong Kong authorities seizing protesters' phones and searching them.

In another blow to free expression, the Legco in June 2020 adopted a controversial law that criminalized disrespect for China's national anthem, with penalties of up to three years in prison.

*Score Change: The score declined from 3 to 2 because the National Security Law introduced mainland security agencies into Hong Kong and allowed authorities to surveil and arrest ordinary citizens and activists based on their personal communications, leading to a marked increase in self-censorship.*

## E. Associational and Organizational Rights

**E1** 0-4 pts

Is there freedom of assembly?	<b>1</b> / 4
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The Basic Law guarantees freedom of assembly, but the Public Order Ordinance requires organizers to give police seven days' notice before protests and to obtain official assent. Signs of authorities' growing intolerance of prodemocracy demonstrations had emerged during the 2014 Umbrella Movement, which featured increased use of baton charges, pepper spray, and arrests by police. Protesters' encampments also faced assaults by counterdemonstrators, many of whom were later found to have links with criminal gangs. In 2019, numerous defendants received prison sentences in connection with their participation in the Umbrella Movement protests.

Since 2019, police have frequently used excessive violence against prodemocracy demonstrators. In November 2019, police fired on protesters with live rounds, resulting in the hospitalization of one person. At the same rally, a police officer drove a motorcycle into a crowd of protesters. Separately, attacks on protesters by mobs linked to organized crime groups caused hundreds of injuries and dozens of hospitalizations, and police often failed to intervene.

In 2020, the government repeatedly used COVID-19 as a pretext to ban public assemblies, including the annual June vigil to commemorate the 1989 Tiananmen Square massacre, and the NSL was invoked to arrest individuals for actions as trivial as carrying stickers inscribed with the slogan “liberate Hong Kong” or even holding blank placards.

## **E2** 0-4 pts

**Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?**

**3/4**

Historically, Hong Kong has hosted a vibrant nongovernmental organization (NGO) sector, including a number of groups that focus on human rights in mainland China. However, early in 2019, there was a sophisticated cyberattack on the Hong Kong branch of Amnesty International, reportedly originating on the mainland. Later in the year, police and nonstate actors attacked protest leaders and peaceful activists at the Lennon Walls (walls covered with notes bearing messages of support for the protest movement). In October, Jimmy Sham, head of the Civil Human Rights Front, was attacked by a group of men armed with hammers, resulting in his hospitalization. Chinese officials verbally attacked activists speaking about Hong Kong at the United Nations as they delivered their addresses.

The introduction of the NSL in 2020 dramatically changed the environment for civil society in Hong Kong. The entire staff of some organizations quit on the eve of the law’s introduction. While arrests under the NSL during the year focused primarily on persons and organizations connected with the 2019 demonstrations and the

democratic opposition rather than NGOs as such, the crackdown had a chilling effect on the entire sector.

### **E3** 0-4 pts

<b>Is there freedom for trade unions and similar professional or labor organizations?</b>	<b>2/4</b>
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Trade unions are independent, but collective-bargaining rights are not recognized, and protections against antiunion discrimination are weak. Some trade unions took an active role in the 2019 protest movement, and attempted to organize an unofficial referendum on whether to call a general strike in June 2020, but the effort fell short of its turnout goal and drew warnings from government ministers. Lee Cheuk-yan, general secretary of the Hong Kong Confederation of Trade Unions, was among those arrested and charged for their involvement in organizing protests during the year.

## **F. Rule of Law**

### **F1** 0-4 pts

<b>Is there an independent judiciary?</b>	<b>2/4</b>
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The Hong Kong judiciary is largely independent and remained so during the 2019 crisis. However, Judge James Spigelman resigned from the Court of Final Appeal in September 2020, citing the content of the NSL. Several provisions of the law undermined judicial autonomy, for instance by allowing the government to select judges for NSL trials.

The NPC has historically reserved the right to make final interpretations of the Basic Law, limiting the independence of the Court of Final Appeal. Such interventions were rare prior to the NPC's 2016 interpretation regarding oaths of office, which was also unusual for being issued without a request from the Hong Kong government and

before the local courts had ruled on the matter in question. It was seen as a blow to the autonomy of the territory's legal system. The 2020 NSL was imposed on Hong Kong through a Basic Law provision that allows the NPC to list national laws that must be applied locally, bypassing both the Legco and Hong Kong's courts.

Since the beginning of the 2019 protests, the Hong Kong judiciary has faced political pressure and criticism over various decisions, with complaints coming from the Hong Kong government, mainland Chinese media, and protesters. In November 2019, a Hong Kong court struck down the emergency decree banning the use of face masks as unconstitutional, a decision which was promptly met with criticism from the NPC. The Court of Appeal partly overturned that ruling in April 2020, finding that the ban was only unconstitutional when applied to legal gatherings, as opposed to unlawful assemblies; the Court of Final Appeal then fully upheld the ban in December.

**F2** 0-4 pts

<b>Does due process prevail in civil and criminal matters?</b>	<b>2/4</b>
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The courts have typically upheld due process rights and adjudicated civil and criminal matters fairly and efficiently in the past. Following the thousands of arrests made during the protests that began in 2019, courts came under pressure to process cases faster, and pro-Beijing politicians and media called on them to side with the prosecution and hand down heavier sentences. In August 2020, a private prosecution brought by a prodemocracy lawmaker against a police officer who had fired a live round at a protester was quashed after the justice secretary intervened.

Under the NSL, individuals charged with national security offenses are tried by judges selected by the chief executive, and the central government wields influence over the appointment of prosecutors. In cases involving offenses against public order or state secrets, the trials may be closed to the public. The central government's new Office for Safeguarding National Security in Hong Kong can assert jurisdiction over some cases and have them tried on the mainland. The NSL includes a presumption against granting bail to suspects and defendants. Some high-profile defendants, such as

Jimmy Lai and politician Agnes Chow, were denied bail in non-NSL cases during the year.

*Score Change: The score declined from 3 to 2 due to multiple provisions of the National Security Law that undermined defendants' rights, including the power of the chief executive to assign specific judges and magistrates to national security cases, the ability of central government authorities to assume control of certain cases and try them in mainland courts, and a presumption against granting bail to pretrial detainees.*

### **F3** 0-4 pts

<b>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</b>	<b>2 / 4</b>
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Police are forbidden by law from employing torture, disappearance, or other forms of abuse. However, the 2019 protest movement featured frequent episodes of police violence, which have generally gone unaddressed. There were also credible allegations of arbitrary detention and even torture of protesters in 2019. Late that year, a group of foreign experts appointed by the Independent Police Complaints Council (IPCC) to study police practices during the protests stepped down, citing concerns about whether the council was capable of engaging in a sufficiently robust, independent inquiry. The IPCC issued a report in May 2020 that generally defended police conduct.

In addition to police violence, the protest movement brought about a more general climate of unrest, due to both clashes that accompanied demonstrations and violent attacks committed by nonstate actors against protesters, activists, and bystanders at locations far from where protest actions were taking place.

The 2015 disappearances of five Hong Kong booksellers into police custody on the mainland continue to cast doubt on the local government's capacity to protect residents from abuses by Chinese authorities, particularly in light of the new jurisdictional powers provided by the NSL. Four of the booksellers were eventually released, but they reportedly faced surveillance and harassment in Hong Kong; the



fifth, Swedish citizen Gui Minhai, remained in detention on the mainland and was sentenced to 10 years in prison in February 2020 for supposedly providing intelligence to foreign entities.

**F4** 0-4 pts

<b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b>	<b>3/4</b>
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Citizens are generally treated equally under the law, though people of South Asian origin or descent face language barriers and de facto discrimination in education and employment. Women are also subject to some employment discrimination in practice. Antidiscrimination laws do not specifically protect LGBT+ people.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

<b>Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?</b>	<b>3/4</b>
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Hong Kong residents generally enjoy freedom of movement, though authorities periodically deny entry to visiting political activists and Falun Gong practitioners, raising suspicions of Beijing-imposed restrictions. Some Hong Kong activists and politicians have also faced difficulty traveling to the mainland. In 2019, there were reports that people traveling into China from Hong Kong were subjected to checks by mainland authorities, who searched their phones for protest photos and related communications. In 2020, a number of countries, including Britain and Australia, offered special visas and other pathways for Hong Kong residents to escape political repression, though in retaliation Beijing threatened to refuse recognition of the relevant documents.

**G2** 0-4 pts

<b>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</b>	<b>3/4</b>
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While property rights are largely respected, collusion among powerful business entities with political connections is perceived as an impediment to fair competition.

**G3** 0-4 pts

<b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b>	<b>4/4</b>
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Hong Kong residents are legally protected from rape and domestic abuse, and police generally respond appropriately to reports of such crimes. Men and women enjoy equal rights in personal status matters such as marriage and divorce. A constitutional challenge to Hong Kong's restrictions on same-sex marriage was rejected by a court in 2019. In two separate cases in September 2020, a court ruled in favor of inheritance rights for a gay couple but rejected a bid to compel the territory to fully recognize same-sex marriages undertaken abroad.

**G4** 0-4 pts

<b>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</b>	<b>3/4</b>
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While most Hong Kong residents enjoy equality of opportunity and freedom from economic exploitation, certain marginalized groups face substantial risks of exploitation and abuse. For instance, foreign household workers, who make up roughly 4.4 percent of Hong Kong's population, remain vulnerable to a wide range of exploitative practices. Since they may face deportation if dismissed, many are reluctant to bring complaints against employers. Hong Kong is also a significant site for human trafficking, but the city still lacks comprehensive antitrafficking legislation.

## On Hong Kong

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### Country Facts

Global Freedom Score

**52/100**    **Partly Free**

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2020

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