

Dear Foreign Secretary,

We write to raise concerns about the status of fundamental freedoms and rule of law in Hong Kong.

We are asking you to act because the Sino-British Joint Declaration provides the UK with the legal obligation to monitor and promote Hong Kong's rule of law and basic freedom until the end of the handover period in 2047.

Hong Kong has historically been an example of good practice for rule of law in Asia. With independent law courts governed by a robust common law system, Hong Kong's legal system has stood apart as a positive anomaly in a region where 'rule by law' often dominates. Our long-standing trading relationship with Hong Kong has flourished because 'one-country, two-systems' provides much-needed transparency and fair play for businesses operating in the region, alongside essential protections of the fundamental freedoms which sets apart Hong Kong as 'Asia's World City'.

We are therefore concerned that Hong Kong's rule of law and basic freedoms are under pressure. Law is being used by the government of Hong Kong to punitively clamp-down on the democracy movement in Hong Kong. One in three pro-democracy legislators have been prosecuted by the government since the Umbrella Movement of 2014. More than 100 democracy activists and protestors have been prosecuted under the Public Order Ordinance, an anachronistic piece of colonial legislation which fails to meet UN human rights standards. In one extreme case in June, a leading young activist was sentenced to six years in jail. In another, two legislators and their staffed were sentenced to jail for 'illegal assembly' inside the Legislative Council, this would be like an MP being imprisoned for staging a protest in Parliament.

The independence of the judiciary may be compromised by Beijing's increasingly frequent use of their interpretative powers. The Chinese National People's Congress are constitutionally entitled to interpret the constitution in the case of disputes. However, for the judiciary to maintain its independence, this must only be used as a last resort and within the clearly defined limits set out by the constitution. Recently Beijing have abused these powers of interpretation beyond what is permissible under Hong Kong's Basic Law. In one recent example, democratic candidates have faced political screening and disqualification, and lawmakers were thrown out of the Legislative Council on the basis of an interpretation which breaches basic human rights and was condemned by the Chair of the Hong Kong Bar Association as 'not being in compliance' with the interpretative powers given to Beijing under Basic Law.

We ask that you raise these concerns through high-level diplomacy and publicly by issuing a recommendation at the United Nations Universal Periodic Review. The Universal Periodic Review is a powerful opportunity to bring human rights into the spotlight. In China's previous review, Hong Kong's human rights issues were neglected. Following this recent crackdown, the same must not be true this time. Given our obligations under the Sino-British Joint Declaration, we urge you to take the opportunity to bring these developments into the spotlight at the United Nations.

Yours sincerely,