



## **Hong Kong: Stop Intimidation and Threats Ahead of Legislative Council Elections**

20 July 2020

The Asian Network for Free Elections (ANFREL) is alarmed by the quickly deteriorating election environment in the run-up to the Hong Kong Legislative Council elections scheduled for 6 September 2020.

The new National Security Law that came into effect on 30 June has exacerbated a climate of fear in Hong Kong's electoral democracy. The law's ambiguities in criminalizing secession, subversion, terrorism, and collusion with foreign forces with sentences going up to life imprisonment has given the authorities sweeping powers to clamp down on civil liberties and human rights<sup>1</sup>.

Several pro-democracy groups advocating for greater autonomy and self-determination, such as the Hong Kong National Front, Studentlocalism and opposition party Demosistō<sup>2</sup>, have since chosen to either disband or relocate abroad over fears of political imprisonment. Activist and former lawmaker Nathan Law has also fled Hong Kong<sup>3</sup> and subsequently withdrawn from the pro-democracy camp's primaries. Other opposition members are facing an uncertain future ahead as the Beijing-imposed law has empowered authorities to disqualify candidates from running in the election<sup>4</sup>.

The authorities have used the new legislation to threaten the organizers of the 11 and 12 July primaries designed to select pro-democracy candidates to the 6 September legislative elections. Secretary for Constitutional and Mainland Affairs Erick Tsang claimed the participation in the primaries may violate the National Security Law<sup>5</sup>, while Chief Executive Carrie Lam declared that the coordinated effort by democrats to win a majority in the legislature to oppose government policy "may fall into the category of subverting the state power", an offense under the new law<sup>6</sup>.

On the day before the primaries, district councilors and a pro-democracy shop faced intimidation attempts to warn them not to use their premises as polling stations<sup>7</sup>. The Hong Kong police also raided the office of the primaries' co-organizer Public Opinion Research Institute (PORI), accusing the organization of "dishonest use of a computer"<sup>8</sup>.

Despite overt intimidation, the two-day primaries saw a high voter turnout, with over 600,000 Hong Kongers casting ballots in the process. It is commendable that the people of Hong Kong are showing their resilience and determination to resist democratic regression.

The instillation of fear using the National Security Law did not stop after the primaries. Both Hong Kong Liaison Office<sup>9</sup> and Hong Kong and Macau Affairs Office<sup>10</sup> have issued strong-worded statements to accuse the primaries of violating the National Security Law. The Electoral Affairs

Commission also claimed the primaries are not part of the electoral procedures and reminded the public to take heed of the National Security Law when organizing and participating in election-related activities<sup>11</sup>.

The National Security Law is the latest development in a year-long crackdown on protesters, activists, and opposition forces in the territory. In November 2019, authorities conducted a two-week siege on the campus of Hong Kong Polytechnic University<sup>12</sup>, culminating in over 1,100 arrests in a single day<sup>13</sup>. On 18 April 2020, police arrested 15 prominent activists<sup>14</sup>, including publishing tycoon Jimmy Lai and founder of the Democratic Party Martin Lee, in what was perceived as a hardening of the authorities' position towards the pan-democracy camp.

ANFREL condemns the sustained intimidation and threats towards the city's democracy advocates, citizens, and civil society by the authorities of Hong Kong and Beijing. Avenues for debate and constructive dialogue have been steadily restricted, ensuring that the environment prior to the Legislative Council elections can be considered neither free nor fair.

We call for an immediate repeal of the National Security Law, which violates the spirit of the 1984 Sino-British Joint Declaration and Hong Kong's Basic Law and stand in solidarity with Hong Kongers in their pursuit for democracy, attachment to fundamental freedoms, and demands for free and fair elections. We call on the government of China to honor its international commitments and stop encroaching on Hong Kong's autonomy, rights, and tradition of democratic governance.

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<sup>1</sup> <https://www.hrw.org/news/2020/06/09/hong-kong-rights-under-attack-anniversary>

<sup>2</sup> <https://www.taiwannews.com.tw/en/news/3956221>

<sup>3</sup> <https://hongkongfp.com/2020/07/02/breaking-democracy-activist-nathan-law-says-he-has-fled-hong-kong/>

<sup>4</sup> <https://www.scmp.com/news/hong-kong/politics/article/3091433/national-security-law-facing-disqualification-or-worse-hong>

<sup>5</sup> <https://www.theguardian.com/world/2020/jul/14/hong-kong-primaries-china-declares-pro-democracy-polls-illegal>

<sup>6</sup> <https://hongkongfp.com/2020/07/13/democrats-plan-to-win-legislative-majority-to-oppose-govt-policy-may-be-illegal-under-security-law-says-hong-kongs-lam/>

<sup>7</sup> <https://hongkongfp.com/2020/07/11/hong-kong-primaries-pro-democracy-shop-scraps-polling-station-plan-as-govt-warns-district-councillors/>

<sup>8</sup> <https://www.rfa.org/english/news/china/raid-07102020105020.html>

<sup>9</sup> [http://www.locpg.gov.cn/jsdt/2020-07/13/c\\_1210700891.htm](http://www.locpg.gov.cn/jsdt/2020-07/13/c_1210700891.htm)

<sup>10</sup> [https://www.hmo.gov.cn/xwzx/xwfb/xwfb\\_child/202007/t20200714\\_22007.html](https://www.hmo.gov.cn/xwzx/xwfb/xwfb_child/202007/t20200714_22007.html)

<sup>11</sup> <https://www.info.gov.hk/gia/general/202007/14/P2020071400889.htm>

<sup>12</sup> <https://www.nytimes.com/2019/11/29/world/asia/hong-kong-protests-polytechnic.html>

<sup>13</sup> <https://asia.nikkei.com/Spotlight/Hong-Kong-protests/Hong-Kong-arrests-mount-to-1-100-as-campus-siege-continues>

<sup>14</sup> <https://www.scmp.com/news/hong-kong/politics/article/3080529/least-12-hong-kong-opposition-veterans-arrested-police-over>