

8 September 2021

## Hong Kong: Woman human rights defender **Chow Hang-tung** arrested after refusing to comply with police data request

On the morning of 8 September 2021, police arrested Hong Kong woman human rights defender and lawyer **Chow Hang-tung** and three other members of the Standing Committee of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Hong Kong Alliance), one day after they refused to comply with a police order that accuses them of being a “foreign agent” and demands a substantial amount of information about its staff, funding sources, and interaction with Hong Kong and foreign organisations in the last seven years. This is the woman human rights defender’s third arrest since the beginning of June 2021.

[Chow Hang-tung \(鄒幸彤\)](#) is a barrister and woman human rights defender in Hong Kong. She has advocated for the protection and promotion of labour rights, as well as for the rights of persecuted human rights defenders in mainland China. She is one of the current vice-chairs of the [Hong Kong Alliance in Support of Patriotic Democratic Movements of China](#) (the Hong Kong Alliance), a grassroots advocacy group established in 1989 in Hong Kong to campaign for the release of Chinese political prisoners, democratic reforms in China, and accountability for the extrajudicial killings and other violations by the Chinese authorities during the lethal crackdown on pro-democracy protests in June 1989. As a barrister in Hong Kong, she has also provided legal assistance to peaceful activists and protesters targeted by police and judicial actions for their involvement in pro-democracy activities.

On 8 September 2021, Chow Hang-tung was arrested alongside three other members of the Hong Kong Alliance. Their arrest came after the National Security Department of the Hong Kong Police served a [notice](#) to Chow Hang-tung and other members of the Standing Committee of the Hong Kong Alliance on 25 August 2021, under the expansive powers granted to the police under Article 43 of the Hong Kong [national security law](#), which was [unilaterally imposed](#) by the central Chinese government on 30 June 2020. On 5 September, the police [indicated](#) they have served notices to an unspecified number of organisations in Hong Kong on 25 August 2021. Under the [Implementation Rules of Article 43](#) of the national security law, those who refuse to comply with a data request notice “commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 6 months.”

The notice served to the Hong Kong Alliance demands a large amount of information, including the personal information of all board members, Standing Committee members, and full-time employees since the Alliance’s founding 32 years ago in 1989; records from all offline and online meetings of its Board and Standing Committee, conducted in Hong Kong since 2014; and information, such as the date, time, location, purposes, organisers, funding and expenditures, of all offline and online activities conducted in Hong Kong since 2014 which were organised jointly with, organised with the assistance by, funded by, and/or attended by “political parties or other organisations and/or their Hong Kong branches that pursue political ends and that are based outside the territory of the People’s Republic of China or based in Taiwan”, as well as other meetings that the Alliance held with any of these entities since 2014.

The police notice required the Hong Kong Alliance to surrender the required information in writing by 7 September 2021. On 5 September 2021, Chow Hang-tung and three other Standing Committee members of the Alliance held a public [press conference](#) and announced that they would not comply with the notice. Chow Hang-tung stated that the Alliance is not an agent of any government or State interests. Instead, she stated that the Alliance is “an agent of the Hong Kong people’s conscience” in its mission to advocate for democratic reforms and accountability for

human rights violations. The Alliance also announced it would organise an extraordinary General Assembly of its members on 25 September 2021 to decide whether the Alliance should disband in the face of increasing government pressure and threats.

On 7 September 2021, Chow Hang-tung and other Standing Committee members went to the Hong Kong Police Headquarters and submitted their [response](#) in writing. The response stressed that the police have failed to provide any evidence in the notice to substantiate the “foreign agent” allegation, failed to demonstrate how serving such a notice to the Alliance is “necessary” to prevent and investigate national security crimes, and failed to establish credible connections between the information requested and the nature of the national security crimes supposedly under investigation.

In 2020, UN human rights experts raised serious concerns about the Hong Kong national security law [before](#) and [after](#) its adoption. They said the law “lacks precision in key respects, infringes on certain fundamental rights and may not meet the required thresholds of necessity, proportionality and non-discrimination under international law.”

Front Line Defenders believes the Hong Kong national security law, including the implementation rules of its article 43, is abusive and is designed to be and has been used as a [tool](#) to threaten and punish human rights defenders and dissenting voices. It reminds the Hong Kong government of its legal obligations under domestic human rights legislation and the International Covenant on Civil and Political Rights (ICCPR) to respect all human rights, including the rights to privacy and to [freedom of association](#), which “not only includes the ability...to form and join an association but also to seek, receive and use resources—human, material and financial—from domestic, foreign, and international sources.”

The use of the national security law and other restrictive laws to target human rights defenders has created and deepened a climate of fear among civil society, contributing to self-censorship, scaling down of programmes, resignation of staff members, and dissolution of entire organisations. In August 2021, [the Professional Teachers’ Union](#) and the [Civil Human Rights Front](#), two of Hong Kong’s most influential civil society groups, disbanded in the face of political pressure, smear attacks by State media both in Hong Kong and in mainland China, and threats of legal actions by government officials.

Front Line Defenders believes Chow Hang-tung’s and other Alliance members’ arrests are a reprisal for their peaceful and legitimate work of promoting and defending human rights in both Hong Kong and mainland China, as well as exercising of their freedoms of expression, association, and assembly.

### **Front Line Defenders urges the relevant authorities in Hong Kong to:**

1. Immediately and unconditionally release Chow Hang-tung and other human rights defenders, and drop all charges against them;
2. Immediately suspend the implementation of the Hong Kong national security law, including by revoking any data request notices already issued under the implementation rules of its article 43;
3. Guarantee in all circumstances that all human rights defenders in Hong Kong are able to carry out their human rights activities without fear of reprisals and free of all restrictions and harassment, in line with Hong Kong’s international human rights obligations and commitments, particularly the International Covenant on Civil and Political Rights (ICCPR), which applies in Hong Kong;

4. Initiate a comprehensive legal reform process, in genuine consultation with independent civil society and human rights defenders, to review existing laws, regulations, policies and practices that have been used to target human rights defenders, with a view to align them with Hong Kong's obligations under international human rights law and standards.

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