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Protesters are in fine voice despite post-97 worries

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The fear ahead of the handover was that human rights organisations would suffer under Chinese rule. But activism appears to be thriving, even though there are clouds on the horizon, Ravina Shamdasani reports

As the throngs of protesters file out of Victoria Park dozens of times a year - fighting what they term draconian national security laws or commemorating those who died in the Tiananmen massacre - just above them flutters the flag of a country where such sights are today impossible.

The flag of the People's Republic of China is raised over the materialistic haven of Causeway Bay, the international financial centre that is Hong Kong, but also over what is arguably the international human rights hub for the region.

Whether it is a movement against war in Afghanistan and Iraq, a call to end honour killings in Pakistan, advocacy for women's rights in Aceh or railing against the imprisonment of outspoken anti-government activists in Singapore, human rights and aid groups have for many years used Hong Kong as a regional headquarters.

The combination of advanced infrastructure and relative political stability that has given the city its image as an international financial centre has spawned an equally vibrant reputation as a centre for human, civil and political rights activism for the region and the nation.

Hundreds of groups, including the Asian Human Rights Commission, Amnesty International, the Asian Regional Exchange for New Alternatives, the Asia and Pacific Alliance of YMCAs, Asia Monitor Resource Centre and the Asian Centre for the Progress of Peoples have their headquarters in Hong Kong. They focus on a variety of labour, socio-economic, human rights and other issues in the region.

China activists based in Hong Kong include Greenpeace China, Human Rights in China and China Labour Bulletin, in addition to local groups including Hong Kong Human Rights Monitor, the Hong Kong Human Rights Commission and groups such as Christian Solidarity Worldwide.

The University of Hong Kong is also the only institution in the region to have a Masters of Law programme in human rights, which attracts activists, government officials and legal professionals from around Asia.

The 1997 handover has not seen a dearth of human rights groups in Hong Kong but instead emboldened the campaigns, activists say. This fact in itself serves as a litmus test of the success of the 'one country, two systems' principle, they say, and should be encouraged.

Academics may whinge about the lack of a mature political consciousness in Hong Kong, but while thousands turned out for anti-war protests in February, the same could not be said of Singapore.

The director of the Masters of Law in human rights at the University of Hong Kong, Lyal Sunga, said Hong Kong's infrastructure and the traditions of common law and an independent judiciary made it an ideal place for regional human rights activity.

'We have British legal traditions here which grant a certain space for freedom of speech, of expression and of association which we do not find to the same degree in other countries in the region,' said Dr Sunga, who was with the United Nations High Commissioner for Human Rights in Geneva for seven years before he joined the university in 2001.

'Civil society organisations enjoy the freedom to make their case internationally, relatively free from government interference ... notwithstanding the restrictions that may be coming into place with Article 23 legislation.'

Asian Human Rights Commission executive director Basil Fernando said while the Hong Kong government did not actively support human rights groups based in the city, this indifference was something of a blessing compared to other countries in the region.

'There is a much higher degree of tolerance, no surveillance and no direct interference with the work of human rights organisations here,' he said. 'Since 1984 when we set up here, we have had no problems with the government.'

The organisation, which was set up in the city by a Hong Kong lawyer, an Indian chief justice, a Philippine senator and a Pakistani Supreme Court judge, had to close its Singapore office in 1993 because of rigorous interference from the government.

'In India and Sri Lanka, on the one hand there is liberty, and constitutions that are democratic, but the police there are often corrupt and there are high levels of torture and harassment carried out on behalf of politicians or big business people whose interests are under attack by human rights activists,' Mr Fernando said.

'In Malaysia and Singapore there is very direct repression of groups like ours and there are many rules in some countries to prevent organisations getting registered or, for example, getting foreign funds to operate. They discourage criticism of their own human rights record and there are just too many taboo subjects.'

Human Rights Monitor director Law Yuk-kai added that the same attraction Hong Kong had for business made it ideal for human rights activity, such as the free flow of funds and information and its geographical position as a stepping stone to China and the rest of Asia.

'If people want to work in China, this is a good source of information and a convenient stepping stone with information in Chinese and English,' he said. 'Bangkok is another hub for Southeast Asian human rights groups, but language may be a bit of a problem there, as it is in Japan and Korea, and it lacks the level of political certainty of Hong Kong.'

Political uncertainty before the handover caused some groups like the Red Cross to move away from Hong Kong, but such fears have proved largely unfounded. It appears that cost is the biggest problem for groups in Hong Kong today.

The continued presence of rights organisations serves a crucial role in maintaining an image that Hong Kong is distinct from the mainland and citizens continue to enjoy rights and freedoms they had before the handover.

Amnesty International's regional development co-ordinator, Gnanam Devadass, said the existence of international human rights organisations in Hong Kong brought not only economic but social, educational and political benefits.

'If you look in terms of the economy, there is a lot of convergence of people in conferences and a whole range of things happening around that,' he said. 'From the human rights side, it is an indicator of the level of freedom and openness society has and it endorses the human rights compliance of Hong Kong in freedom of speech and association.'

Mr Law added: 'The groups also help to contribute to the maintenance of a democratic space in the city and would set off alarm bells if such a space was threatened.'

Mr Fernando said the groups helped the government maintain an impression of freedom. 'Another advantage is to maintain and develop a culture of democracy, to keep an ongoing debate with Hong Kong people regarding their own level of commitment to human rights,' he said.

Mr Devadass has been in Hong Kong for six years and says he has found its political consciousness growing with every threat to freedoms since the handover.

The reinterpretation of the Basic Law regarding right of abode by the Standing Committee of the National People's Congress in 1999 and the proposed enactment of national security laws under Article 23 of the Basic Law are prime examples of issues that have stirred Hong Kong to stand up for its rights.

Mr Fernando said Hong Kong people took their rights seriously and had shown they would fight for them when necessary.

'Just after the Tiananmen incident in 1989 and every year after it there have been very large demonstrations in this place,' he said. 'After that, whenever there have been issues such as Article 23, there has been a rallying of people to protest against such measures ... Compared to many other countries in Asia, there is quite a strong sense among the younger people here that their rights matter and they will not live under any system if these rights are taken away. That gives a lot of hope for the future of this place.'

But Mr Fernando noted that Hong Kong people did not take enough interest in the issues of other Asian countries, something he said was their responsibility. 'At the moment, Hong Kong is one of the countries in the region with a high degree of independence of judiciary - something that is almost lost in Malaysia and Singapore and killed in Pakistan, where lawyers are intimidated by the military regime and people have little recourse to justice. In Sri Lanka, the judiciary itself sometimes violates the rule of law principles.'

Hong Kong could contribute its expertise in the rule of law as well as in other areas, such as the experience of the Independent Commission Against Corruption.

Dr Sunga agreed that the government could be much more supportive of human rights organisations but said Asia in general had been slow to

warm up to the human rights ideal.

'In the European Union, human rights have developed well and often with the active support of the government in a very positive way, with assistance without necessarily controlling the association,' he said.

'It is quite disturbing that Asia remains the only region in the world that has no regional system of international human rights protection. America, Europe and Africa have their own systems, with even some sub-regional groupings in those areas.'

Amnesty International's Mr Devadass said concerns that Hong Kong would be more subject to pressure from the central government were growing with the passage of Article 23 laws, particularly with regard to the provisions covering the outlawing of organisations banned on the mainland.

'If Hong Kong is to maintain its free-market economy, respect for human rights is the bottom line to make this work and laws passed should be in conformity with international standards. Freedom of association and freedom of expression are fundamental to this process and for the 'one country, two systems' principle to work.'

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