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[Press Release] Leitner Center Announces “Know Your Rights” Project for Hong Kong on International Day of Conscience

A new digital access to justice initiative to advance individual rights and civil liberties in the city

April 5, 2021

“As an international city with a strong rule of law tradition, it is our role to pursue and contribute to the Goal 16¹ of the 2030 Agenda for Sustainable Development [of the United Nations].”

- [Hong Kong Department of Justice](#)

The Leitner Center for International Law and Justice is pleased to announce a new platform for access to justice in Hong Kong, **Know Your Rights HK (“KYR HK”)**. A new project of the Center’s work on rights and justice globally, KYR HK is launched at a critical time for supporting international rule of law principles in Hong Kong.

Hong Kong has long been praised by the international legal community for its rule of law, judicial independence, and wealth of international legal talent. The importance of the rule of law in Hong Kong underscores the value of a well-informed public that trusts the system. The KYR HK portal helps to enable this goal, allowing individuals to make the most of their rights (See: KYR HK--A One-Stop Shop for Legal Rights Knowledge, [Appendix 1](#)) at a time when crime statistics and related arrest numbers are at a record high in Hong Kong (See: Hong Kong’s Legal Challenge in Numbers, [Appendix 2](#)). All eyes of the international legal, business, and civil society communities are on maintaining the independence of Hong Kong’s legal system.

The Leitner Center announced plans for the new platform on April 5, the International Day of Conscience, which calls for the promotion of respect for human rights and

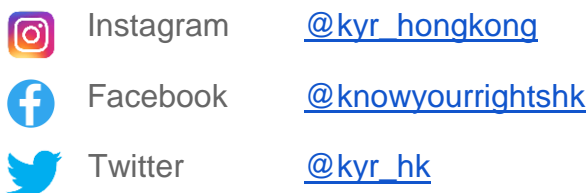
¹ [UNSDG - Goal 16.3](#): Promote the rule of law at the national and international levels, and ensure equal access to justice for all.

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fundamental freedoms for all without distinction. Today, KYR HK joins Hong Kong's resilient civil society in promoting civil rights and liberties. The platform serves to equip the public with knowledge and tools to secure **due process** and improve **access to justice** ([Appendix 3](#)).

The platform includes toolkits and explainers through every step of the justice system. Information is presented in plain language in Chinese and English on the website, which will be launched this week. Further tools are made available through our social media channels. These tools are especially important in the context of rising crime statistics and a strain on the legal process.



Justice Is A Global Issue

In its ten-year "[Vision 2030 for Rule of Law](#)", the Hong Kong Department of Justice ("DoJ") prioritized the principles of UN Sustainable Development Goal 16, which calls for promotion of the rule of law internationally. For this vision to be true:

- Justice has to be real and accessible for all in Hong Kong, and
- Justice cannot thrive in a vacuum: a healthy and robust justice system has to be open and benchmarked against international standards.

KYR HK supports this vision of the rule of law in Hong Kong on both levels by empowering the individual, and by using international human rights and rule of law standards as changes in Hong Kong's legal landscape continue to develop.

"We know that the people of Hong Kong share these universal values with the rest of the world, and the international community will continue to monitor developments and support efforts to ensure these rights."

- Martin Flaherty, Leitner Center Co-Director and Founder

The fundamental rights and freedoms of Hong Kong people are enshrined in the Hong Kong Bill of Rights Ordinance, which incorporates the International Covenant on Civil

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and Political Rights (ICCPR), and the Hong Kong Basic Law also protects human rights and individual freedoms through its constitutional framework. KYR HK will provide tools for individuals to understand and navigate their due process rights and create a platform for assessing their ability to do so against the international and domestic legal frameworks that create them (See: Human Rights Protection Frameworks in HK, [Appendix 4](#)).

Launching KYR HK is a part of the Leitner Center's work on rule of law advocacy, capacity building, and education globally (See: About the International Day of Conscience, [Appendix 5](#)). "Hong Kong is not unique in the challenges it faces protecting human rights and civil liberties in the face of other government concerns," said Professor Martin Flaherty, Leitner Center Co-Director and Founder.

Protesters in Myanmar continue to be met with harsh reprisals against their calls for freedom, and protesters in the UK are demanding changes to a new police bill. In every context, the focus must be on the protection of internationally and domestically protected human rights to expression, assembly, and due process of law. "We know that the people of Hong Kong share these universal values with the rest of the world, and the international community will continue to monitor developments and support efforts to ensure these rights," Flaherty said.

Know Your Rights. Exercise Your Rights.

Hong Kong has long enjoyed a strong rule of law tradition and extensive civil liberties, anchored in international standards. The law benefits the individual and respects human dignity.

Built on shared values, KYR HK is here to demystify the notion that human rights are abstract or intangible. The Leitner Center firmly believes that institutions must be held accountable for the promises of human rights protection.

Notes to Editor:

- For media enquiries, please contact us at: leitnercenter@fordham.edu
- For further information on background, please refer to the appendices below for: what we do, supporting statistics, our priorities and vision, and more

[Appendix 1](#)

KYR HK - A One-Stop Shop for Legal Rights Knowledge

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In light of recent developments in the legal and civil rights space in Hong Kong, the quality and amount of information in the public domain has proved a challenge even to legal professionals. The public and legal professionals will both benefit from user-friendly and up-to-date bilingual content about legal rights available to them in Hong Kong. The Leitner Center’s new project will provide:

- Toolkits and explainers on the KYR HK website to help users through every step of navigating the justice system; and
- Complex and precise information presented in plain language on our social media channels for anyone at risk of arrest or for those who simply want to explore their civil rights in the Hong Kong context.

Appendix 2

Hong Kong’s Legal Challenge in Numbers

A closer look at the latest publicly available crime data² in Hong Kong paints an alarming picture. Between 2010 and 2018, the overall crime rate (crimes per 100,000 people) saw consecutive annual declines, but has turned sharply upwards since 2019.

The total number of crimes recorded its 5-year high in 2020 at 63,232³, indicating a high number of arrests. Tens of thousands of civilians have been charged and faced with legal proceedings in the past two years - many of them for the first time in their lives, and many charges of serious nature.

Overall Crime Rate

	<u>Changes in Crime Rate</u>	<u>Crimes per 100k persons</u>
2020 vs 2019	+6.7%	842 (2020)
2019 vs 2018	+8.1%	787 (2019)
2018 vs 2017	-4.0%	728 (2018)
2017 vs 2016	-8.3%	758 (2017)
2016 vs 2015	-9.2%	825 (2016)

² Crime data by the Hong Kong Police: https://www.police.gov.hk/ppp_en/09_statistics/csc.html

³ A year after the first anti-extradition amendment bill protest, over 9,000 persons had been arrested by 30 June 2020, followed by over 1,000 more in the wake of the introduction of the National Security Law for Hong Kong by 26 January 2021, according to public data and media reports.

Meanwhile, caseloads⁴ of the DoJ dropped by 7.4% in 2019 compared to 2018. The rise in the number of arrests in two consecutive years puts a tremendous strain on the justice system, resulting in delays in prosecutions and trials for those arrested.

Meanwhile, with only 12,000 solicitors, solicitor advocates, and barristers in Hong Kong combined, Hong Kong is fast approaching a situation where there simply will not be enough legal representatives for every defendant in the years to come.

It is therefore now more pressing than ever for the individuals to familiarize themselves with legal procedures and their legal rights in Hong Kong.

[Appendix 3](#)

Focus Areas: Due Process and Legal Aid Options

KYR HK provides a portal for self-help materials on legal procedure and knowledge of basic legal principles, with a view to being a resource with the following concerns and priorities in mind:

- **Higher risk of arrests for individuals reflected in crime data.** Together with reports of higher crime counts are individual and media accounts of alleged abuse of process during the course of stop-and-search, arrests and/or investigations, some potentially amounting to mistreatment or wrongful arrests⁵.

Fairness and transparency in the exercise of public powers are fundamental components of the rule of law. In this context, an empowered public is a well-informed one.

- **Steps individuals can take to manage risks** as they work their way through the justice system. The rule of law in Hong Kong is too important for people to give away rights at this junction. It is a reasonable demand that public bodies act in accordance with the law when dealing with individual citizens.
- **Identification of all available resources and protections in the justice system.** Hong Kong has an internationally competitive legal aid scheme. In

⁴ Including legal advice and trial preparations for the Court of First Instance and the District Court: https://www.doj.gov.hk/en/publications/pdf/doj2019pd_statistics.pdf (2020 data are not yet available.)

⁵ According to official figures, only fifth of the anti-extradition bill incidents related cases had been prosecuted by mid 2020.

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2020, the number of Legal Aid applications for criminal proceedings rose by 12% year-on-year; 77.7% of the applications were successful, as compared to 73.9% in 2019⁶. The general public needs more information on how to access this system.

- **Remaining uncertainties ahead - application of the National Security Law:** a new body of case law is emerging that may present legal challenges to existing common law principles and codified human rights provisions under the Basic Law and the Hong Kong Bill of Rights Ordinance. The Leitner Center will be watching developments in this space.

Consistent with Hong Kong’s aspiration to remain an “irreplaceable” international legal hub⁷, the international legal community has always and will continue to hold Hong Kong’s justice system to high standards.

KYR HK will explore these topics on the portal and social media platforms with bilingual content. Our goal is simple: to reach as many people as possible, to build a community of allies in rights, and to make real Hong Kong’s promise of civil rights and liberties.

Appendix 4

Human Rights Protection Frameworks in HK

<p>“The rights recognized in this Bill of Rights shall be enjoyed without distinction of any kind, such as <i>race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</i>”</p> <p>Article 1 of the Hong Kong Bill of Rights Ordinance (CAP 383)</p>	<p>「人人得享受人權法案所確認之權利，無分種族、膚色、性別、語言、宗教、政見或其他主張、民族本源或社會階級、財產、出生或其他身分等等。」</p> <p>香港人權法案第一條</p>
<p>All Hong Kong residents shall be equal before the law.</p>	<p>香港居民在法律面前一律平等。</p> <p>香港基本法第 25 條</p>

⁶ Statistics by the Legal Aid Department: [link](#)

⁷ https://www.doj.gov.hk/en/community_engagement/sj_blog/20210310_blog1.html

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<p>Article 25 of The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China</p>	
<p>All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.</p> <p>Article 10 of the Hong Kong Bill of Rights Ordinance (CAP 383)</p>	<p>人人在法院或法庭之前，悉屬平等。任何人受刑事控告或因其權利義務涉訟須予判定時，應有權受獨立無私之法定管轄法庭公正公開審問。</p> <p>香港人權法案第十條</p>
<p>The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region.</p> <p>The rights and freedoms enjoyed by Hong Kong residents shall not be restricted unless as prescribed by law. Such restrictions shall not contravene the provisions of the preceding paragraph of this Article.</p> <ul style="list-style-type: none">Article 39 of The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China	<p>《公民權利和政治權利國際公約》、《經濟、社會與文化權利的國際公約》和國際勞工公約適用於香港的有關規定繼續有效，通過香港特別行政區的法律予以實施。</p> <p>香港居民享有的權利和自由，除依法規定外不得限制，此種限制不得與本條第一款規定抵觸。</p> <p>香港基本法第 39 條</p>
<p>Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in</p>	<p>人人有權享有身體自由及人身安全。任何人不得無理予以逮捕或拘禁。非依法定理由及程序，不得剝奪任何人之自由。</p>

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accordance with such procedure as are established by law. Article 9(1) of the International Covenant on Civil and Political Rights	《公民權利和政治權利國際公約》 第 9 條第 1 項
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Appendix 5

About the International Day of Conscience

On this day, we revisit the 2019 General Assembly Resolution declaring April 5 to be the International Day of Conscience, affirming: “the need for the creation of conditions of stability and well-being and peaceful and friendly relations **based on respect for human rights and fundamental freedoms for all...**”

Art. 1 of the Universal Declaration of Human Rights states that **all human beings are born free and equal in dignity and rights** and are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

These values are universal and the international civil society must act in unity to deliver meaningful human rights work throughout the world.

About Leitner Center of International Law and Justice

The Leitner Center for International Law and Justice at Fordham Law School is an innovative Think-and-Do Tank that aims to make international human rights protections an everyday reality for marginalized communities around the world; as a hands-on advocacy team housed in a world-class university, we provide education and training to law students, facilitate capacity building and advocacy with activists and grassroots groups around the world, and contribute to critical research among legal scholars in international human rights.

From its base at Fordham Law School in New York City, the Center develops long-term partnerships with local social justice organizations and other stakeholders across the globe. Through its pioneering programs, clinics, and education initiatives, the Leitner Center trains students to become international legal experts and impassioned human rights advocates.

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Meaningful human rights work is not a solitary enterprise. The Leitner Center attracts talented, dedicated individuals who work together to fulfill its compelling and unique mission. Through training and scholarships for students, the Center works in solidarity with grassroots activists to further four core objectives:

- Strengthening the rule of law and access to justice
- Promoting the rights of vulnerable populations around the world
- Fostering sustainable development
- Examining the role of traditional legal systems and their relationship to international law and human rights

Visit www.leitnercenter.org for more information on the work of the Center.

About KnowYourRights HK

KnowYourRights HK is a knowledge portal offering practical toolkits and guides about individual rights with a focus on due process and access to legal aid. We believe general public awareness of fundamental rights is a necessary condition for the delivery of justice in a rule-based society.

Building on research and case studies, the platform is a collective effort by human rights defenders and legal academics and professionals with a view to safeguarding the space for civil liberties and individual rights in Hong Kong.

We deliver bite-sized, digestible and up-to-date legal knowledge and analysis through our website and social media channels.

Stay tuned for our website, coming soon in April 2021: <https://kyrhk.civicsight.org>

Get in touch:

- *Email: AccessJustice@civicsight.org*
- *Instagram: [@kyr_hongkong](https://www.instagram.com/kyr_hongkong)*
- *Facebook: [@knownyourrightshk](https://www.facebook.com/knownyourrightshk)*
- *Twitter: [@kyr_hk](https://twitter.com/kyr_hk)*
- *Official site: <https://kyrhk.civicsight.org> (coming soon)*