

## **Hong Kong: Barring elected representatives to take their seat is against democracy**

November 10, 2016, Seoul– Barring the two popularly-elected representatives in Hong Kong to take their seats in the Legislative Council will not eliminate the voice for self-determination of the people, and on the contrary, it will only fuel more international public resentment against the People's Republic of China (PRC), warned the Asia Democracy Network.

The regional organization called on Beijing to respect the decision of the Hong Kong people in electing the two representatives to be lawmaker. The PRC should respect and uphold the right to freedom of opinion, thought and expression of the legislators in line with the international human rights principles and standards. Moreover, China as a member of the Inter-Parliamentary Union, it should adhere to its adopted Universal Declaration on Democracy of 1997, whereby democracy is founded on the primacy of the law and the exercise of human rights.

The PRC National People's Congress Standing Committee issued a ruling on Article 104 of the Basic Law of Hong Kong Special Administrative Region that covers the oaths taken by officials, and interpreted that the two pro-democracy legislators, Sixtus 'Baggio' Leung and Yau Wai-ching's disavowal to pledge allegiance to China is an act to "divide the country" and that all those that advocate for independence are to be disqualified from assuming an elected public office.

The NPC Standing Committee as China's top legislative branch exercised its power to interpret the Basic Law for the first time before the Hong Kong judiciary had a chance to deliver a decision, which may seriously compromise the people's trust in 'one country, two systems', and further undermine the separation of powers and the rule of law.

It urges Beijing to withdraw the controversial ruling and allow the Hong Kong's Court of Final Appeal to deliberate and decide on the matter, while respecting the political choice and democratic will of the people.

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