



# Commonwealth Lawyers Association

## **CLA Statement in Support of Concerns Raised by LAWASIA Regarding the HKSAR National Security Law**

The Commonwealth Lawyers Association (“CLA”) shares the concerns raised by LAWASIA in its statement dated 16 January 2025 about the far-reaching implications of the Hong Kong SAR National Security Law on the freedom of speech and expression, following the recent conviction of 45 individuals to jail terms ranging from four to ten years.

In January 2021, authorities in the Hong Kong SAR initiated a crackdown under the National Security Law, with multiple raids. More than 50 activists were arrested, including prominent pro-democracy figures.

The legitimate exercise of the freedom of speech and expression, including political expression and participation, is central to promoting and safeguarding the rule of law. It is axiomatic that any restrictions to these freedoms should be reasonable, necessary and proportionate, as set out in international laws and obligations that the Hong Kong SAR is committed to uphold.

We recall the foundational principle set out in the Commonwealth Principles on Freedom of Expression and the Role of the Media in Good Governance, (Commonwealth Media Principles) which was adopted at the October 2024 Commonwealth Heads of Government Meeting (“CHOGM”) held in Samoa, that:

Freedom of expression is a cornerstone of democracy and underpins good governance, public accountability and respect for all human rights.

Article 19 of the Universal Declaration of Human Rights, states that

“[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontier”

The CLA further recalls the core values in the Commonwealth Charter that express commitment to “equality and respect for the protection and promotion of civil, political, economic, social and cultural rights”. We note the Commonwealth (Latimer House) Principles on the Three Branches of Government which state that “[a] transparent and accountable government, together with freedom of expression, encourages the full participation of its citizens in the democratic process.”

We echo the concerns raised by the International Bar Association on the state of press freedom in the Hong Kong SAR in recent years, including the closure of two major independent news outlets, the prosecution of editors of these news outlets for sedition, and the effects that these, as well as the National Security Law, have had on journalists and the media industry as a whole.

In this regard, the CLA further notes the statement in the Media Principles that:

Any system of media regulation should be the least restrictive necessary for a well-functioning democratic society. It should uphold the media's independence and its role in informing people about matters of public interest and encourage media self-regulation. It should promote media plurality and access to the media for all, including those belonging to linguistic and cultural minorities, without discrimination on the basis of race, colour, religion, gender, political or other opinion, or other grounds. It should include mechanisms to prevent undue concentration of media ownership and to make ownership transparent (emphasis added).

The international community through Declarations and Statements recognise that adherence to fundamental principles of freedom of speech and expression together with freedom of assembly and association are essential to good governance, transparency, accountability, and the rule of law, which all contribute to the attainment of egalitarian societies.

The application of the National Security Law seems designed to stifle if not eliminate these fundamental rights.

The CLA along with others in the international community:

urges the relevant authorities of the Hong Kong SAR to reconsider resorting to, and invoking, the National Security Law to suppress the freedom of speech and expression and

calls upon the relevant authorities of the Hong Kong SAR to respect and adhere to accepted international principles.

### **Commonwealth Lawyers Association (CLA)**

**27<sup>th</sup> January 2025**

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. [commonwealthlawyers.com](http://commonwealthlawyers.com)