



Freedom of Expression

There were no recommendations made on the Hong Kong Special Administrative Region, China (HKSAR) for the Second UPR Cycle.

Framework in HKSAR

Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR) and Article 27 of the Basic Law guarantee all citizens the right to freedom of expression. Article 39 of the Basic Law provides that the ICCPR shall be implemented through HKSAR laws.

Despite these protections, the freedom to publish has come under intense strain in recent years. In 2018, HKSAR ranked 70 in the world in press freedom conducted by Reporters Without Borders, down from 51 in 2008 and 18 in 2002, the inaugural year of the ranking.

The Chief Executive stated in her Policy Address in October 2017 that freedom of expression and freedom of the press were “core values” for HKSAR. However, these assurances mean little when the government fails to respond to threats or denies visas to international journalists.

Challenges

- Press freedom has decreased rapidly in recent years. Journalists and other media workers, often supporters of democracy and expressing critical views, have been attacked, threatened or had their Hong Kong working visa revoked, in violation of Article 19(2) rights under the ICCPR.

- There is growing pressure on the media, print and electronic, in covering sensitive China issues or concerning the HKSAR Government, restricting freedom of expression rights under Article 19(2) of the ICCPR.

Cases, facts and comments

- In August 2018, the *Financial Times* Asia Editor was denied a working visa after hosting a controversial talk in his capacity as Vice-President of the Foreign Correspondent’s Club
- In 2017, anonymous threatening letters were sent to Hong Kong Free Press (HKFP) co-founder and chief editor Tom Grundy as well as former and current HKFP staff members and their families.
- In 2013, Chen Ping, the publisher of *iSun Affairs*, suffered injuries following an attack by baton-wielding assailants. In 2014, Kevin Lau, the former editor-in-chief of *Ming Pao* was seriously injured in a knife attack. During the Chinese New Year clashes in 2016, officers on duty attacked journalists covering the police standoff.

- Censorship and self-censorship have restricted the work of independent media outlets. Although some of this is due to market forces, it can also be linked to active interference from the mainland. Mainland Chinese companies now hold controlling interests in most HKSAR media outlets, and since local businesses are known to withhold advertisements from publications that criticize the People’s Republic of China (PRC) government, self-censorship is on the rise.
- Journalists cite increasing cases of their supervisors rejecting or deleting articles for fear of offending the PRC, according to a survey of journalists by the Hong Kong Journalists Association the rate has dropped from



	7.1 in 2013 to 6.2 in 2017 (out of 10, the lower the more common).
<ul style="list-style-type: none"> The abduction and detention of the five HKSAR booksellers, including Lee Bo who was abducted from HKSAR, contravened international law, including the right of liberty and security of person under Article 9 of the ICCPR. 	<ul style="list-style-type: none"> In 2015, Chinese authorities abducted members of Mighty Current Media to stifle their publications. Hong Kong booksellers Gui Minhai, Lee Po, Cheung Chi-ping, Lam Wing-kee and Lui Por published and sold politically sensitive material that was banned on the mainland. They disappeared from HKSAR, mainland China and Thailand, and were later revealed to have been detained by the Chinese authorities and prosecuted on various charges. Gui Minhai, a Swedish citizen, continues to be detained in the PRC, held incommunicado, without access to a lawyer or family.
<ul style="list-style-type: none"> National Security Legislation proposed under Article 23 of Hong Kong's Basic law has the potential to constrict freedom of expression further. Existing laws already fulfil the constitutional responsibility under Article 23. 	<ul style="list-style-type: none"> It is likely the Hong Kong government will introduce National Security legislation in the next UPR cycle. Vague terms including 'subversion', 'leaking state secrets' and 'ties with foreign political organisations' are set to be proscribed. The legislation could severely inhibit freedom of expression by introducing vague, politicised terms into Hong Kong laws which do not protect human rights.

Recommendations

- HKSAR should take all necessary efforts to ensure a safe and enabling environment for journalists to carry out their work independently and without undue interference, including thoroughly investigating attacks and threats against the media, ensuring that perpetrators are prosecuted.
- HKSAR should immediately undertake an independent and public investigation into the circumstances regarding the detention and abduction of the Causeway Bay booksellers. HKSAR should take immediate actions to ensure the safety of Gui Minhai and call for his unconditional release.
- HKSAR should only propose legislation on the basis of Article 23 after universal suffrage has been fully implemented, ensuring that any proposed legislation fully complies with ICCPR and the rule of law.

Questions to ask in advance

- On what grounds did the HKSAR Government deny the visa of Financial Times Asia Editor Victor Mallet? How did those grounds comply with Article 19 ICCPR commitments?
- When has the HKSAR Government discussed the booksellers' abductions with their mainland colleagues since 2015? Will the HKSAR issue a public statement calling for the unconditional release of Gui Minhai?

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