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Law Council concerned for Hong Kong

The announcement that China's National People's Congress will unilaterally seek to enact national security laws in the Hong Kong Special Administrative Region (HKSAR) is deeply concerning according to the Law Council of Australia.

Law Council President, Pauline Wright, said that while the proposed laws are yet to be publicised, the Draft Decision currently before the National People's Congress reveals a number of deeply troubling and problematic features.

"The contents of the Draft Decision indicate that the new laws will seek to prevent and penalise acts of secession, the subversion of state power, and prohibit political organisations in the HKSAR establishing ties with foreign political organisations," Ms Wright said.

"The Draft Decision also authorises the Standing Committee of the National People's Congress (NPCSC) to formulate laws and enforcement mechanisms to 'safeguard national security' in HKSAR."

"The concern is that what constitutes 'acts of secession' the 'subversion of state power' and 'political organisations' may be interpreted very widely and capture activities that are protected by the International Covenant on Civil and Political Rights (ICCPR)."

The Law Council reiterates the concerns expressed by the Hong Kong Bar Association in questioning the legality of the proposed laws, and fears that the new laws will be absorbed into Hong Kong's Basic Law by way of decree from the Chief Executive.

"The international legal community is alarmed that these laws, drafted by the NPCSC, could be made law without adequate public consultation," Ms Wright said.

"These new laws may seriously curtail the rights to which the people of Hong Kong are entitled, despite assurances by the Chief Executive that the new laws would not affect the legitimate rights and freedoms presently enjoyed by the people of Hong Kong."

"The Law Council is deeply troubled that the laws will undermine the rights protected by the ICCPR. In particular, the rights to freedom of opinion and expression, freedom of association and freedom of peaceful assembly," Ms Wright said.

The joint statement by Senator, the Hon Marise Payne, Minister for Foreign Affairs and Minister for Women, together with her Canadian, United Kingdom, and the United States counterparts has been welcomed by the Law Council. Their statement, outlining concerns that the proposed national security laws run counter to the need for respectful dialogue directed towards mutual understanding and peaceful resolution of political and social issues in Hong Kong, illustrates that the world is watching.

"The Law Council, together with the international legal community, will continue to defend the rights of the individual and freedom of speech in Hong Kong," Ms Wright said.

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