



The 29
Principles



Organization: The 29 Principles & Lawyers for Lawyers
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Oral Statement to the 135th Session of the UN Human Rights Committee from The 29 Principles and Lawyers for Lawyers.

Hong Kong, China: Threats to the independence of the legal profession

The 29 Principles¹ and Lawyers for Lawyers² wish to bring to the Committee's attention the failure of the authorities of Hong Kong, China to uphold the necessary guarantees for the proper functioning of the legal profession in practice.

Lawyers play a vital role in the protection of the rule of law and fundamental freedoms. Their work is indispensable to ensure effective justice for all persons. To fulfil their professional duties effectively, lawyers must be able to carry out their professional duties freely and independently, without intimidation or improper interference.

Lawyers in Hong Kong who are working on human rights and politically sensitive cases are frequently subjected to harassment, arbitrary detention, criminal investigations, and disciplinary sanctions. In some instances, lawyers even face cyber-attacks from the state media before official investigations were launched against them.³ Recently, a human rights lawyer was stalked and interrogated by state media reporters at his office and at the airport on the day he was leaving Hong Kong.⁴

Another issue of concern is the National Security law, which has been heavily criticized by various international institutions and non-governmental organizations.⁵ Ever since its adoption, an increasing number of lawyers and pro-democracy activists have been arrested on charges of subversion, secession or collusion with foreign forces simply for exercising their right to freedom of expression, organizing peaceful assemblies or defending human rights.⁶ This violates the UN Basic Principles on the Role of Lawyers, which states that lawyers, like other citizens, are entitled to the right to freedom of expression and assembly.

An example of a barrister being arrested for exercising her freedom of expression and peaceful assembly is Chow Hang-tung. She was imprisoned for organizing or participating illegal assemblies after

¹ For more information about The 29 Principles, please visit: <https://medium.com/@the29principles>.

² For more information about Lawyers for Lawyers, please visit: www.lawyersforlawyers.org.

³ SCMP, 'National security law Ex-Bar Association chairman leaves Hong Kong for UK after meeting with police', 2 Mar 2022, available at [National security law: Ex-Bar Association chairman leaves Hong Kong for UK after meeting with police | South China Morning Post \(scmp.com\)](https://www.scmp.com/news/hong-kong/national-security/article-2022-03-02-national-security-law-ex-bar-association-chairman-leaves-hong-kong-for-uk-after-meeting-with-police).

⁴ The Guardian, 'After years fighting for the 'little guy', Hong Kong crackdown forces UK lawyers to flee', 2 June 2022, available at <https://www.theguardian.com/world/2022/jun/02/after-years-fighting-for-the-little-guy-hong-kong-crackdown-forces-uk-lawyer-to-flee>

⁵ OHCHR, 'Hong Kong: Arrests under national security law of serious concern, UN experts call for review', 12 Oct 2021, available at [Hong Kong: Arrests under security law are serious concern, UN experts call for review | OHCHR](https://www.ohchr.org/en/latest/news/2020/07/hong-kong-national-security-law-10-things-you-need-to-know/); Amnesty International, 'Hong Kong's national security law: ten things you need to know', 17 July 2020, available at <https://www.amnesty.org/en/latest/news/2020/07/hong-kong-national-security-law-10-things-you-need-to-know/>.

⁶ Lawyers for Lawyers, 'Concerns about position of lawyers in Hong Kong', 1 July 2021, available at <https://lawyersforlawyers.org/concerns-about-position-of-lawyers-in-hong-kong/>.

peacefully exercising her right to assembly in relation to her involvement in the organizing of the annual candlelight vigil in Hong Kong to commemorate the 1989 Tiananmen Massacre in 2020.⁷ She was detained on 8 September 2021 on charges of “incitement to subversion” and being a foreign agent. On 4 January 2022, Chow Hang-tung was convicted for inciting others to knowingly participate in an unauthorized assembly. She was sentenced to 22 months in prison.

A further concern is the pressure exerted by the Hong Kong authorities on the Hong Kong Bar Association and the Law Society of Hong Kong, which threatens the independence of these two bodies.⁸

Furthermore, the reform of the legal aid system is cause for concern, as the recent changes deprive defendants from the right to choose their own lawyer. This could cause a fear, especially amongst those being prosecuted under the National Security Law, that they will be assigned a lawyer with strong ties to the Hong Kong government or mainland China.⁹ Some defendants have already stated that they will not apply for legal aid, despite not being able to afford the cost of a lawyer.

The 29 Principles and Lawyers for Lawyers urge the Human Rights Committee to call on the Hong Kong authorities:

- to immediately take all the necessary measures to provide effective protection to lawyers;
- to review the National Security Law to ensure its compliance with the fundamental rights and freedoms contained in the ICCPR;
- and to take measures to guarantee the effective protection of the right of freedom of expression of lawyers as set out in article 19 of the Covenant and article 23 of the Basic Principles on the Role of Lawyers.

Thank you.

⁷ Lawyers for Lawyers, ‘Hong Kong: barrister arrested after commemorating Tiananmen Square protests’, 4 June 2022, available at: <https://lawyersforlawyers.org/hong-kong-barrister-arrested-after-commemorating-tiananmen-square-protests/>. SCMP, ‘Hong Kong court jails 9 activists, ex-lawmakers for roles in banned Tiananmen Square vigil’, 15 Sept 2021, <https://www.scmp.com/news/hong-kong/politics/article/3148796/hong-kong-court-jails-9-activists-ex-lawmakers-roles-banned>.

⁸ Lawyers for Lawyers, ‘Ongoing concerns on the situation in Hong Kong and the independence of the Bar Association’, 14 Apr 2022, available at <https://lawyersforlawyers.org/ongoing-concerns-on-the-situation-in-hong-kong-and-the-independence-of-the-bar-association/>; SCMP, ‘Hong Kong leader warns city’s lawyers that officials could cut ties if legal body puts politics over professionalism’, 17 Aug 2021, available at [Hong Kong leader warns city’s lawyers that officials could cut ties if legal body puts politics over professionalism | South China Morning Post \(scmp.com\)](https://www.scmp.com/news/hong-kong/politics/article/3148796/hong-kong-court-jails-9-activists-ex-lawmakers-roles-banned).

⁹ The Chief Secretary for Administration’s Office, Legal Aid Department, ‘Proposed Enhancement Measures to the Legal Aid System in Hong Kong’, 26 Oct 2021, Available at: <https://www.legco.gov.hk/yr20-21/english/panels/ajls/papers/ajls20211026cb4-1677-1-e.pdf>