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NEWS

19 March 2025

Hong Kong: Article 23 law used to ‘normalize’ repression one year since enactment

Just one year after its passage, Hong Kong’s Article 23 law has further squeezed people’s freedoms and enabled authorities to intensify their crackdown on peaceful activism in the city and beyond, Amnesty International said.

“Over the past year, Article 23 has been used to entrench a ‘new normal’ of systematic repression of dissent, criminalizing peaceful acts in increasingly absurd ways,” said Amnesty International’s China Director Sarah Brooks.

“People have been targeted and harshly punished for the clothes they wear as well as the things they say and write, or for minor acts of protest, intensifying the climate of fear that already pervaded Hong Kong. Freedom of expression has never been under greater attack.”

People convicted and jailed for peaceful expression

The Safeguarding National Security Ordinance (known as Article 23) took effect on 23 March 2024. Amnesty International’s analysis shows that 16 people have since been arrested for sedition under Article 23. Five of them were officially charged under the law, and the other 11 were released without charge. None of those arrested is accused of engaging in violence, while the authorities have accused two of them of inciting violence without yet disclosing any details.

Three of the charged individuals – after facing around three months’ pre-trial detention – were convicted for, respectively, wearing a T-shirt and mask printed with protest slogans;

criticizing the government online; and writing protest slogans on bus seats. They were sentenced to between 10 and 14 months in prison.

The remaining two charged people have been held in detention awaiting trial since November 2024 and January 2025, respectively. They are accused of publishing “seditious” posts on social media platforms.

Article 23 entrenches denial of bail

The presumption against bail in national security cases, originally imposed by the Beijing-enacted National Security Law (NSL), has now been extended to offences under Article 23. Among the five individuals charged under Article 23, the two who applied for bail had their applications denied because the magistrate believed they may “continue to commit acts endangering national security” – the same reasoning used to deny bail to others prosecuted under the NSL, including newspaper founder Jimmy Lai and opposition politicians.

The remaining 11 individuals arrested under Article 23 are variously accused of publishing “seditious” posts, commemorating the 1989 Tiananmen crackdown and spreading “disinformation”. Despite having been released by the police without official charge, they remain at risk of prosecution at any time because Article 23 does not impose a time limit on bringing criminal charges.

“Article 23 has been wielded by the Hong Kong government as a tool to suppress critical voices with the ultimate aim of eradicating them. Alongside the NSL, it has handed the authorities virtually unchecked power to arrest and jail anybody criticizing the government. The result is a Hong Kong where people are forced to second-guess what they say and write, and even what they wear,” Sarah Brooks said.

“The now default use of pre-trial detention and refusal of bail are alarming examples of how Article 23 has been used to reinforce the repressive tools first introduced under the NSL.”

‘National security’ as a trump card overriding established laws

Article 23 has also been weaponized to impose additional punitive measures against dissidents already serving sentences. Under the existing Prison Rules, last amended in 2014, prisoners with good conduct were eligible for early release after serving two-thirds of their sentences. However, according to new rules set by Article 23, the prison authorities can waive this practice if the release would be “contrary to the interests of national security”.

Notably, at least two jailed activists have been denied early release, despite the fact that they were not convicted under Article 23 and had already begun serving their sentences before its enactment.

One of the activists – who was convicted of incitement to wound, a charge unrelated to any national security legislation – was barred from early release despite Article 23 expressly

stating that the new rules apply only to prisoners convicted of offences endangering national security.

“Retroactively denying early release based on vague national security justifications undermines legal certainty and due process. The government’s failure to comply with the very text that it drafted further raises serious concerns about the arbitrary application of Article 23,” Sarah Brooks said.

Extraterritorial application against overseas activists

The worrying impact of Article 23 on human rights is not restricted to Hong Kong. Authorities have invoked Article 23’s extraterritorial scope to penalize a total of 13 Hong Kong activists residing overseas, including in the UK, the US, Canada and Australia. These penalties have included the cancellation of passports, suspension of lawyer licenses, removal from company directorships and prohibition of financial transactions, restricting a range of human rights such as their freedom of movement, right to privacy and right to work.

These measures have been imposed alongside arrest warrants issued under the NSL, each carrying a HK\$1 million (US\$128,700) bounty, for these 13 individuals and six other overseas activists.

“By sanctioning activists overseas, the Hong Kong government is attempting to extend its draconian laws beyond its borders to target potentially anyone, anywhere. The situation has resulted in a chilling effect on individuals who persist in exercising their freedom of expression, even after departing from the city. The international community cannot afford to ignore Article 23’s intended extraterritorial reach,” Sarah Brooks said.

“We urge the Hong Kong and Chinese governments to immediately repeal Article 23, the NSL and any other legislation which violates international human rights laws and standards. We also call on other governments to safeguard the fundamental rights and freedoms of Hongkongers, in particular those actively defending human rights, within their jurisdictions.

“The rising risk of transnational repression, which [Amnesty has documented](#) and which is explicitly tied to Hong Kong’s national security legislation, demands a response by governments worldwide. As a start, that means denouncing incidents of transnational repression and pursuing accountability for criminal acts targeting activists and others in the country of residence.”

Background

On 19 March 2024, Hong Kong’s Legislative Council unanimously voted to pass the Safeguarding National Security Ordinance based on Article 23 of the Basic Law, Hong Kong’s mini-constitution.

The law, which took effect on 23 March 2024, introduced China’s definition of “national security” and “state secrets”, together with other broadly defined offences which further restricted freedom of expression and the right to protest. It also replaced a widely used colonial-era sedition law with its own provisions on sedition which now expressly cover acts

or speech which do not incite violence. The maximum prison sentence for sedition was increased from two to seven years, or up to 10 years if involving “collusion with an external force”.

Amnesty International submitted [an analysis](#) of its proposals to the government during the consultation period, concluding that the offences and changes to investigatory powers are contrary to Hong Kong’s human rights obligations. After the law was passed, Amnesty International issued [a briefing paper](#) providing an in-depth analysis of the effects of the law on both Chinese and non-Chinese individuals, in particular via its purported extraterritorial application.

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