

## GNI Statement on Hong Kong's Protest Anthem Ban

The Global Network Initiative (GNI), a multistakeholder organization with a focus on freedom of expression and privacy in the tech sector, is extremely disappointed by the [decision](#) by the Hong Kong Court of Appeal to impose a ban on the pro-democracy protest anthem “Glory to Hong Kong”. The 8 May injunction is a reversal of the High Court’s July 2023 ruling rejecting the ban due to possible “chilling effects” on freedom of expression, and invokes the controversial National Security Law (2020) to force internet platform operators (IPOs) to censor various user-generated posts of the song. The underlying prosecution and the Court’s ruling represent the latest concerning developments regarding civil liberties in Hong Kong, as well as efforts to extend [repression outside](#) of the territory.

Since the National Security Law came into force in Hong Kong in 2020, the crackdown on dissent has been significant and far-reaching, fueling a climate of self-censorship. The UN Human Rights Committee, in its concluding observation on the fourth periodic report of Hong Kong in November 2022, [called](#) on Hong Kong to “repeal the current National Security Law and, in the meantime, refrain from applying it.” While the injunction exempts the use of “Glory to Hong Kong” for lawful journalistic and academic activities, this provides shallow comfort given the recent [targeting of journalists](#), academic institutions, and critics on the accusation of endangering national security.

In addition to infringing on the right to freedom of expression in the territory, the ruling has broader implications for people’s access to a free, open, and interoperable internet, as well as for Hong Kong’s business and investment climate, as it pressures global tech companies to depart from their responsibilities under widely accepted and followed frameworks for responsible business conduct such as the [UN Guiding Principles on Business and Human Rights](#), the [Manila Principles on Intermediary Liability](#), and the [GNI Principles on Freedom of Expression and Privacy](#). Furthermore, the invocation of national security<sup>1</sup> in the injunction sets a dangerous precedent for freedom of expression in the region, including through potential extraterritorial application. Indeed, we are alarmed to see that as a result of the vague and overbroad injunction we have already seen at least one streaming media distributor, Scotland-based EmuBands, applying the restrictions globally.

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<sup>1</sup> The vaguely worded injunction states that while it is not an internet blocking order, the “effective way to safeguard national security” from “criminal acts in connection with the Song” is to “ask [Internet Platform Operators] to stop facilitating the acts being carried out on their platforms, to break the switch” (Clause 98). Such a clause may be broadly interpreted, not merely on the basis of the nature and source of “criminal acts,” risking unjustified censorship and extraterritorial application of the government’s takedown orders.



GNI is seriously concerned about the effect of the injunction on the state of human rights in Hong Kong and across the region, and calls on its government to act consistently with its international obligations and human rights commitments by refraining from further enforcing or expanding the application of this order.