

119TH CONGRESS
1ST SESSION

S. RES. 98

Condemning Beijing's destruction of Hong Kong's democracy and rule of law.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2025

Mr. RISCH (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Condemning Beijing's destruction of Hong Kong's democracy and rule of law.

Whereas, in 1997, Great Britain handed Hong Kong over to Chinese rule under guarantees that Hong Kong would become a Special Administrative Region under the “one country, two systems” principle, pursuant to which Hong Kong's Basic Law would apply and would enshrine “fundamental rights” of Hong Kong residents and a political structure, including an independent judiciary, the right to vote, and freedoms of assembly and speech, among others;

Whereas the Government of the People's Republic of China (PRC) has repeatedly undermined Hong Kong's autonomy since the 1997 handover, including actions which resulted in political protests in Hong Kong, including the

2014 Umbrella Movement protesting Beijing’s attempt to reform Hong Kong’s electoral system, and the 2019–2020 protests, which opposed the Hong Kong government’s decision to implement an extradition law that would have subjected Hong Kongers to prosecution in mainland China;

Whereas the Hong Kong Police Force used excessive force to try to quell the 2019–2020 protestors, many of whom were under the age of 30;

Whereas the Government of the People’s Republic of China responded to these protests by passing and implementing the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (commonly referred to as the “Hong Kong national security law”) a poorly defined criminal statute with extraterritorial reach that includes overly broad charges to punish people for exercising their fundamental rights and freedoms;

Whereas, since its enactment in June 2020, this law has been used by the Government of the People’s Republic of China as a pretext to crack down on legitimate and peaceful expression, including the exercise of freedoms of assembly, speech, and religious belief guaranteed to Hong Kong under the Basic Law, to replace the Hong Kong legislature with individuals loyal to the Chinese Communist Party, and to pass new immigration laws that subject Hong Kong citizens and residents, as well as PRC nationals and foreign nationals, to exit bans in Hong Kong similar to those implemented in mainland China;

Whereas, in March 2024, the Hong Kong government enacted national security legislation to implement Article 23

of the Basic Law, officially called the “Safeguarding National Security Ordinance” and also referred to as the “Article 23 Ordinance”, which expanded the number of broadly defined national security criminal offenses to include, among other things, “external interference” and “sabotage”, weakened legal protections for suspects accused of national security offenses, authorized new punitive measures targeting Hong Kong citizens and non-citizens overseas, and created risks for Hong Kong residents who interact with foreigners;

Whereas nearly 300 people have been arrested under the Hong Kong national security law and the Article 23 Ordinance;

Whereas the Government of the People’s Republic of China uses the Hong Kong national security law and the Article 23 Ordinance to harass, target, and threaten non-Hong Kong citizens and those outside of Hong Kong, and has become a significant perpetrator of transnational repression, including by posting cash bounties for democracy activists living in self-exile outside of Hong Kong;

Whereas, on November 19, 2024, the Hong Kong government sentenced a group of pro-democracy activists, journalists, and former lawmakers commonly known as the “Hong Kong 47” to jail terms ranging between 4 and 10 years as a demonstration of the Hong Kong government’s willingness to intimidate and persecute its political opponents;

Whereas, Mr. Jimmy Lai, a 77-year-old Hong Kong pro-democracy advocate and media entrepreneur, has been targeted and persecuted for decades, most recently through multiple prosecutions, including related to exercising his rights to freedom of peaceful assembly and freedom of

expression, his sentencing to over five years in prison under politically motivated fraud charges and the seizure of his multimillion dollar independent media organization Apple Daily by the Hong Kong authorities;

Whereas, Mr. Lai, one of the highest profile cases under the 2020 “national security law”, has been imprisoned in solitary confinement with inadequate medical treatment since December 31, 2020;

Whereas 5 Special Rapporteurs, as well as the United Nations Human Rights Council Working Group on Arbitrary Detention, have found that Mr. Lai is unlawfully and arbitrarily detained and have called for his immediate and unconditional release;

Whereas the trial of Mr. Lai, which began on December 18, 2023, has been delayed repeatedly;

Whereas international legal experts at the United Nations have expressed concerns regarding prosecutors’ use of witness testimony against Mr. Lai that may have been obtained through torture, Hong Kong authorities’ interference with the independence of the judiciary throughout the case, and harassment and intimidation of Mr. Lai’s lawyers, undermining his right to a defense;

Whereas the Government of the People’s Republic of China’s undermining of democracy in Hong Kong has ramifications for the international order, including with regard to the future of Taiwan;

Whereas the Hong Kong government has conducted a public relations campaign to convince global business leaders that Hong Kong remains a critical and attractive international financial center, while simultaneously under-

mining the independence of institutions that encouraged its growth over the past several decades;

Whereas Hong Kong has increasingly become a hub for the transshipment of export-controlled goods and sanctions evasion relating to the People’s Republic of China, the Democratic People’s Republic of Korea, the Russian Federation, and the Islamic Republic of Iran, directly supporting Russia’s defense industrial base and enabling its continuing war of aggression against Ukraine;

Whereas Hong Kong still maintains a separate voting share from the People’s Republic of China at many multilateral organizations—including the Asia Pacific Economic Cooperation forum, the Financial Action Task Force, the International Olympic Committee, and the World Trade Organization—effectively doubling the People’s Republic of China’s voting power at these critical institutions; and

Whereas the Hong Kong Human Rights and Democracy Act (Public Law 116–76; 22 U.S.C. 5701 note), signed into law in November 2019, requires the President to impose sanctions to promote accountability for those responsible for certain conduct that undermines fundamental freedoms and autonomy in Hong Kong: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) condemns the Government of the People’s
3 Republic of China’s “Hong Kong national security
4 law”, the Hong Kong government’s “Safeguarding
5 National Security Ordinance”, and related abuses of
6 internationally recognized human rights;

1 (2) urges all governments that value democracy
2 or autonomy to hold the Chinese Communist Party
3 and the Hong Kong authorities accountable for their
4 destruction of Hong Kong's autonomy, rule of law,
5 and freedoms;

6 (3) supports the people of Hong Kong as they
7 fight to exercise fundamental rights and freedoms,
8 as enumerated by—

9 (A) the Joint Declaration of the Govern-
10 ment of the United Kingdom of Great Britain
11 and Northern Ireland and the Government of
12 the People's Republic of China on the Question
13 of Hong Kong, done at Beijing December 19,
14 1984;

15 (B) the International Covenant on Civil
16 and Political Rights, done at New York Decem-
17 ber 19, 1966; and

18 (C) the Universal Declaration of Human
19 Rights, done at Paris December 10, 1948;

20 (4) condemns the Government of the People's
21 Republic of China's practice of bringing false and
22 politically motivated charges against Hong Kongers
23 and the expansion of Hong Kong's national security
24 regime that destroys the rule of law and undermines
25 citizens' rights in Hong Kong;

1 (5) calls upon the Hong Kong government to
2 immediately drop all sedition, national security law,
3 and Article 23-related charges and free all defend-
4 ants immediately, including Jimmy Lai;

5 (6) expresses extreme concern about the Gov-
6 ernment of the People's Republic of China' state-di-
7 rected theft of Apple Daily, and holds that Hong
8 Kong no longer has credibility as an international
9 business center due to the erosion of the regulatory,
10 legal, and judicial environments that have promoted
11 its economic growth for decades;

12 (7) encourages the United States Government
13 and other governments to take steps at multilateral
14 institutions to ensure that voting procedures recog-
15 nize that there is no longer a meaningful distinction
16 between Hong Kong and mainland China; and

17 (8) urges the United States Government to use
18 all available and appropriate tools, including those
19 authorized by the Hong Kong Human Rights and
20 Democracy Act, in response to the Government of
21 the People's Republic of China's actions in Hong
22 Kong.

○