

The State of Freedom in Hong Kong Five Years On

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Before the

Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues

United States Senate

Hearing on

The Status of Democracy and Human Rights in Hong Kong, Five Years after the PRC's Judicial Takeover

Since 2020, freedom in Hong Kong has declined precipitously. This decline has affected not only the fundamental human rights of Hong Kongers but also the national and economic security of the United States and the world.

Hong Kong was once a bastion of liberty in Asia. Since 2019, the special administrative region has taken nearly 2,000 political prisoners,¹ including well-known figures like Jimmy Lai, Gwyneth Ho, and Joshua Wong. It has shuttered pro-democracy news outlets like *Apple Daily* and *Stand News*. The Hong Kong government also engages in transnational repression through the issuance of bounties on well-known pro-democracy advocates who live overseas, including US citizen Joey Siu (who is testifying today), my former Committee for Freedom in Hong Kong (CFHK) Foundation colleague Frances Hui, and 17 other Hong Kongers in the United States, United Kingdom, and Australia.²

Hong Kong's near-overnight transformation is the result of the passage of the national security law (NSL) in 2020, which created four new political crimes—including secession, subversion, terrorism, and collusion with foreign and external forces. Despite their seemingly nefarious descriptions, the NSL criminalizes activities most Americans would consider to be fundamental freedoms, including freedom

of association, freedom of speech, and freedom of the press. The NSL granted the Chinese Communist Party (CCP) an unfettered ability to meddle in every aspect of life in Hong Kong, effectively dismantling the rule of law and judicial system that made Hong Kong an attractive destination for international business. In short, the NSL substantially ceded power from Hong Kong to the People's Republic of China (PRC).

Passage of Article 23 legislation in 2024 compounded the NSL's effects and further shifted the environment in Hong Kong.³ This law uses a broad definition of national security to tamp down on what it defines as five new categories of security crimes: espionage and theft of state secrets, sabotage activities, treason, insurrection and sedition, and collusion with external forces.⁴ According to Hong Kong Free Press, the aforementioned are, by and large, new crimes that expand the list of political crimes the original NSL outlined. Punishment for these offenses can include decades in prison, and several crimes involving "external forces" are subject to life imprisonment.⁵ Article 23 will certainly have a chilling effect on what remains of Hong Kong's freedoms.

Hong Kong authorities today act as an extension of the CCP. This is most evident in the erosion of the rule of law in the region, which has implications that extend far beyond the undermining of civil liberties and freedoms.

In a groundbreaking CFHK Foundation report, lawyer Samuel Bickett documented evidence of Hong Kong helping rogue actors like Russia, Iran, and North Korea evade sanctions.⁶ Bickett's work goes beyond what the headlines report—that Chief Executive John Lee has openly flouted US and international law by refusing to enforce sanctions⁷—and provides credible evidence that Hong Kong companies engage in ship-to-ship transfers, provide dual-use technologies and components, and establish shell companies to assist rogue regimes in evading sanctions. Most notably, Hong Kong contributes substantial funding toward Russia's war of aggression against Ukraine. From August to December 2023 alone, Hong Kong provided over \$2 billion in shipments of goods to support Russia.⁸

Hong Kong presents a clear example of what happens when the United States does not effectively counter the CCP's threats to human rights and good governance. And America is not immune to the impacts of Hong Kong's decline. As a direct result of the CCP's undermining of the rule of law, Hong Kong is now a risky place to do business; transnational repression, including on US soil, is increasing; and the rights of Hong Kongers continue to be violated.

Unfortunately, Hong Kong's continuing decline is happening amid waning commitments from the US to safeguard and defend human rights. Reductions in force at the Bureau of Democracy, Human Rights,

and Labor at the State Department, planned cuts to nearly all US government grants supporting human rights and democracy globally, and the targeting of Radio Free Asia (RFA), which recently shuttered its Cantonese service, hamstringing America's ability to advance human rights in Hong Kong and beyond. These cuts are being made at precisely the same time that the CCP is threatening human rights at historic levels. This will have severe implications for US national security in the present and will undercut US efforts to support human rights abroad for decades.

While in the short term Hong Kong is unlikely to revert to its previous freedom-loving, semi-autonomous state, the US and the international community still have tools they can use to hold CCP and Hong Kong officials accountable and to alleviate the suffering of the Hong Kong people. A decision to accept Hong Kong's fate would result in a repeat of past US foreign policy failures. In essence, it would decouple security-driven policy from human rights-based policy when crafting US strategy toward China. But as recent history has shown, when Beijing undermines its citizens' rights and freedoms, the whole world feels the consequences.

Instead of ignoring the domestic situation in China, Congress and the administration should find ways to sustain efforts to support and advance universal human rights through US policy, hold Hong Kong authorities and the CCP accountable for undermining freedom in Hong Kong, and support the people of Hong Kong in their quest for freedom.

I recommend that Congress and the administration take the following actions:

- 1. Oppose cuts to grants and key staff supporting democracy and human rights at the State Department.**⁹ Planned cuts to US grants supporting democracy and human rights will have devastating impacts for US national security. Cuts are occurring as rights-violating authoritarians—including China, Russia, North Korea, and Iran—are ramping up their security threats against the US. Authoritarian regimes rely on human rights violations to maintain their grip on power and threaten US interests. While the desire for fiscal responsibility is noble, cuts need to be made strategically and should preserve US leadership in defending human rights around the globe. However, currently planned cuts will severely hit some of the most important human rights organizations countering the malign influence of the CCP. Bethany Allen at the Australian Strategic Policy Institute covered this topic in great detail when stop work orders were issued and grants were temporarily suspended earlier this year, and she warned that many groups may face extinction if cuts proceed.¹⁰ Some of the most important organizations advocating for basic freedoms for Hong Kongers, Uyghurs, Tibetans, and other persecuted

groups in China will diminish greatly or outright close if current plans proceed. These groups are often a critical source of information to the US government and civil society about the CCP. Losing access to these resources when the US is increasing efforts to counter the CCP is counter-productive and potentially crippling to US foreign policy. It's fair to ask why these organizations do not have more diversified funding streams. But to put it simply, the private sector has too often found funding human rights programs to be at odds with its financial interests and desire for market access, particularly in China.¹¹ That's where the US has historically come in. The US is the only country with the technical skills and capacity, historical involvement, and funding to support human rights efforts at scale.

2. **Issue targeted sanctions against individuals and entities responsible for implementing, enforcing, prosecuting, and ruling on the 2020 NSL and Article 23 legislation.**¹² The US government can use preexisting sanctions authorities under the Hong Kong Human Rights and Democracy Act, the Hong Kong Autonomy Act, and the Global Magnitsky Act, among others. Current legislation, the Hong Kong Judicial Sanctions Act, puts forth a list of nearly 50 Hong Kong judges and prosecutors ripe for sanctioning.¹³ The Congressional-Executive Commission on China has also put forth a list of names of individuals in Hong Kong to be sanctioned, and the commission has actively called for sanctions in response to Article 23 legislation.¹⁴ Individuals responsible for undermining freedom in Hong Kong—and especially those responsible for the law's creation and implementation—should face consequences for their actions.

In addition to using sanctions to target those responsible for the NSL and Article 23 legislation, the US should make full use of preexisting financial sanctions authorities to target CCP officials responsible for other human rights violations in China. The Treasury Department should issue specific tranches of sanctions at key diplomatic moments to advocate for political prisoner release, in particular. The State Department should also make full use of its authorities pursuant to Section 212(a)(3)(C) that place visa restrictions on individuals responsible for wrongful and abusive or unjust detentions of both American citizens and foreign nationals.

3. **Consider whether institutions, accounts, or sets of transactions in Hong Kong can be designated as primary money laundering concerns (PMLC).**¹⁵ The US government can use Section 311 of the USA Patriot Act against specific financial institutions, sets of transactions, or types of accounts, as opposed to designating an entire jurisdiction as a PMLC. It is difficult

(arguably impossible) to contend that the entire jurisdiction of Hong Kong qualifies as a PMLC; a broad sweeping designation should be avoided at this time. However, a PMLC designation for an institution, set of transactions, or accounts would (1) signal that the situation in Hong Kong is not business as usual and (2) cause companies to question whether Hong Kong remains a reputable financial market. The executive branch could do this itself, but Congress should pass new legislation that issues a reporting requirement to determine what institutions in Hong Kong may merit a PMLC designation.

- 4. Support continued appropriations for Radio Free Asia and press for preexisting funds to be released so that RFA can fully operate and ideally restart Cantonese, Uyghur, and Tibetan services.** Radio Free Asia fills a critical void in US foreign policy. The news service is both a source of information for policymakers and the American public about conditions in closed societies like China, as well as a critical lifeline to people living in those societies. RFA is also a cost-effective means of preserving the cultures and languages of minority groups suffering under authoritarian persecution. Since facing the ire of the Trump administration, RFA's Tibetan and Uyghur services went dark on May 9, and the Cantonese service followed suit on July 1. Shortwave radio broadcasting for many of these services stopped even earlier in April 2025. The Uyghur service was the only source of Uyghur language broadcasting. Many RFA employees were on employment visas in the US, and after the abrupt termination of their employment, they may be sent back to their home countries, where they face likely prison sentences or even death. Without swift action, the consequences may be dire. Congress should lean on the administration to defend RFA as a strategic and fiscally responsible means of gathering information and supporting freedom in closed societies. RFA had an annual budget of approximately \$60 million, a drop in the bucket of congressional appropriations and the US budget.
- 5. Revoke special privileges and immunities conferred to Hong Kong Economic and Trade Offices (HKETOs) and any other Hong Kong government-affiliated bodies operating in the US.**¹⁶ At present, HKETOs in cities across the US enjoy special treatment akin to diplomatic privileges and immunities. After the US determined that Hong Kong is no longer sufficiently autonomous to merit separate treatment under US law, policymakers should have revoked these privileges and immunities.¹⁷ The passage of Article 23 legislation makes the distinction between Beijing and Hong Kong meaningless, so Hong Kong should no longer receive separate diplomatic recognition

from the PRC. Current legislation, the Hong Kong Economic and Trade Office Certification Act, proposes a process whereby the US government would have to determine whether HKETOs continue to merit special treatment.¹⁸ A move to revoke special privileges would diminish the offices' influence and rightly recognize the role they play in currying favor for Beijing.

6. **Create an Office for Political Prisoner Advocacy (OPPA) in the State Department.** Amidst the ongoing reorganization of the State Department, implementers should look for ways to strengthen US efforts to free political prisoners. One way to do this is to create an OPPA that should be tasked with coordinating and managing US efforts to secure political prisoner release globally. Its priority would be to advocate for the release of political prisoners relevant to US national security. Congress should require the office to release an annual report identifying key political prisoners and what the office, civil society, and Congress have done or can do to secure their release.
7. **Create and appoint a special envoy for political prisoner advocacy to lead the OPPA.** The special envoy should be Senate confirmed and of ambassador rank, and he or she would serve as a liaison between the executive branch, Congress, and civil society. This would centralize the processes for securing political prisoner release, updating families on the status of political prisoners, and coordinating government and civil society responses to extrajudicial imprisonment. To streamline the process, the envoy could coordinate with other key nodes tasked with political prisoner advocacy in the State Department. These include the Office of the US Special Coordinator for Tibetan Issues, the Office of International Religious Freedom, the Bureau of East Asian and Pacific Affairs, and the Bureau of Democracy, Human Rights, and Labor. Additionally, the special envoy could work with the Treasury Department and other relevant agencies (e.g., the National Security Council) to identify individuals who could be sanctioned for facilitating arbitrary detentions.
8. **Create a designation of arbitrarily detained for political prisoners.** The US has a robust apparatus for securing hostage release for individuals the State Department labels *wrongfully detained*. While the definition of wrongfully detained can apply to political prisoners, it usually denotes that someone is a hostage. The department generally uses the informal term *arbitrarily detained* to refer to political prisoners. The special envoy and the OPPA should have the power to officially label political prisoners as arbitrarily detained, publish a list of these individuals in its annual report, and exercise authorities similar to those of the hostage release apparatus to

obtain the freedom of these individuals.

9. **Strengthen the Tom Lantos Human Rights Commission's Defending Freedoms Project.**¹⁹ The Defending Freedoms Project is an invaluable resource for political prisoner adoption. But despite the Lantos commission's excellent efforts, the process for connecting family members of political prisoners with members of Congress remains opaque. The commission should disseminate more resources on how citizens with family members or friends who may be eligible for adoption can best apply to the program to secure high-level advocacy from members of Congress.
10. **Coordinate efforts to press for the release of all political prisoners in China, including Hong Kongers.**²⁰ The special envoy should standardize a process to coordinate advocacy for the release of Chinese political prisoners. This should include holding regular meetings between congressional and executive branch staff to provide updates about political prisoners' well-being, share steps taken to secure their release, and make plans for future advocacy. The OPPA should also require members of Congress who adopted political prisoners to submit regular updates to the relevant bureaus and offices at the State Department. These updates should be included in the newly created OPPA's annual report on political prisoners.
11. **Raise the cases of key political prisoners across China, including Hong Kongers, at every diplomatic meeting between US officials and Chinese counterparts.** Each meeting between US and Chinese officials presents an opportunity to press for the release of political prisoners. US officials' requests should be strong and specific—not only for information or for proof of life, but also for the prisoners' release. The US should also be prepared to offer asylum in the US or coordinate with partner countries to resettle prisoners who desire refuge beyond China's borders.
12. **Form an international political prisoner advocacy task force with allies and partners.** The task force could identify key diplomatic opportunities for political prisoner advocacy, help determine whether the US or another country is best suited to apply pressure, and provide options for long-term resettlement. Political prisoners with dual nationalities may wish to be resettled in a certain country for personal or cultural reasons. Many Hong Kongers, for example, have British National Overseas status. International cooperation to respect the wishes of political prisoners and their families could strengthen the US and its partners' efforts to free political prisoners. Canada, the United Kingdom, Australia, Japan, South Korea, and Taiwan are all worthy of

consideration for inclusion in this task force.

13. Consider priority asylum and refugee processing for certain groups in China.²¹ The US has few more practical options for extending relief to communities in need than the US Refugee Admissions Program (USRAP). Most Hong Kongers in the US are on the Deferred Enforced Departure (DED) program, which does not confer any immigration status. DED is a necessary mechanism that provides short-term relief to Hong Kongers who have recently fled the region, and many who are on DED subsequently apply for asylum. The US government should determine whether Hong Kongers, as well as other communities like Uyghurs and Tibetans, are eligible for priority processing for asylum and refugee cases. Members of these groups face permanent persecution, and the lives of former political prisoners who have escaped the country would be endangered upon return to China. Long wait times expose asylees to human rights violations and other atrocities. Many Uyghurs have waited more than 10 years for their asylum hearings in the US, an unconscionable amount of time to live with uncertainty about one's future safety. One potential priority processing category for Hong Kongers is Priority-2 status (P-2). The president or Congress can decide to extend P-2 status to Hong Kongers (or any other group). Previous legislative efforts in Congress, like the Hong Kong Safe Harbor Act, sought to do just that. Extending P-2 to Hong Kongers would provide them an expedited means of resettlement that rightly recognizes the permanence of the changes in the city-state and offers them permanent safe haven within US borders.

14. Consider reforming humanitarian parole to offer permanent pathways for resettlement in the US. Because humanitarian parole is the most expeditious route for resettling political prisoners, US officials should strategically use it to provide temporary safe haven to political prisoners from Hong Kong. But the program's lack of a clear permanent pathway to resettlement (besides extending asylum) is problematic. Policymakers should research how and whether humanitarian parole can be reformed to better protect freed political prisoners from further persecution. At a minimum, Washington should expand humanitarian pathways for permanent legal status in the United States and fund nongovernmental and civil society organizations that provide services for political prisoners.

15. Define transnational repression and identify what tools the US government has to protect and support survivors. Transnational repression brings the CCP's human rights offenses directly to US soil. Washington and its allies need to develop a plan to respond, with a focus on creating

readily available legal mechanisms to punish perpetrators and provide relief for victims. Congress and the executive branch should work together to define transnational repression. They should then ensure authorities have the training and legal remit to address these situations. Officials should be able to gather and share information, collect and report statistics, provide training and outreach, and guide survivors to services and support. Means of support may include psychological and social services as well as immigration and legal aid.

16. Develop a clear, survivor-centered policy response to transnational repression with allies and partners. The US should work jointly with friends and allies to raise transnational repression as a priority issue and develop international norms to address it. An initial working group could include the United Kingdom, Canada, Japan, Korea, Australia, and other like-minded nations.

17. Broaden multilateral cooperation on Hong Kong. The US should coordinate with its allies and partners on sanctions, refugee relief, and political prisoner advocacy. The US and the UK in particular have several overlapping foreign policy priorities. For example, several British nationals are currently imprisoned in Hong Kong, and a partnership between the two governments may help secure their release. Washington also has information on targets that would help London issue financial sanctions, and the US can learn from the UK's resettlement of Hong Kongers. Cooperation with other partners like the European Union, Japan, and Australia could be equally helpful in helping Hong Kongers and holding PRC authorities accountable.

18. Issue grants to support civil society organizations that promote information access in Hong Kong. The US should systematically thwart CCP efforts to undermine access to information in Hong Kong. During the Cold War, similar programs in information-insecure environments like North Korea, Iran, and the PRC served as literal lifelines for people seeking information about their governments' actions and global events. Congress should appropriate funds to issue grants to groups that are on the cutting edge of applying new and emerging technology in information-insecure spaces. Washington should also support organizations using older technology that provide such places access to information (like the radio programming produced by RFA in Cantonese). These grant-making authorities should flow from a broader US government strategy to promote information access in Hong Kong.

19. Convene a dialogue between the US government and tech companies to discuss best practices for maintaining a free and open internet in Hong Kong. A government-led working group could lead to better-coordinated efforts that seek to resist pressure from the CCP to compromise the

safety and security of Hong Kongers. Freedom House suggests that US tech firms should “resist state demands that violate users’ rights, including by rebuffing requests for user data or to remove, block, or otherwise censor content that is protected under international human rights standards.”²² Freedom House also encourages companies to be transparent about the requests for data they receive from the CCP and Hong Kong authorities in order to better understand the scope and scale of privacy infringements.

20. Discourage the Vatican from expanding its provisional agreement with Beijing. The Vatican and the PRC do not enjoy formal relations. Instead, a deal inked in 2018 (and renewed in 2020, 2022, and 2024) reportedly gives the CCP the authority to appoint future bishops while granting the Vatican veto power over these appointments. While the deal does not currently cover Hong Kong, reports suggest that Beijing is seeking to expand its reach to the city-state. To safeguard religious freedom in Hong Kong, the US government should oppose any expansion of the deal in the strongest terms and urge the Vatican to repeal the agreement.

21. Monitor deteriorations in religious freedom in Hong Kong. The CCP and Hong Kong authorities are already targeting persons of faith in Hong Kong. Catholics, Protestants, and other faith groups face distinct persecution. The US government should continue to monitor trends in religious persecution, and civil society groups should maintain contact with persecuted minorities, similar to their relationship with the underground church in the PRC. For example, Washington should establish safe and secure channels through which persecuted groups can provide information on the state of religious persecution in Hong Kong.

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² “Hong Kong Issued Bounties on Prodemocracy Activists; TikTok Bans in US and Albania,” Freedom House, January 2025, <https://freedomhouse.org/report/china-media-bulletin/2025/hong-kong-issued-bounties-prodemocracy-activists-tiktok-bans-us>.

³ Olivia Enos, “Hong Kong’s New National Security Law Needs a Robust US Response,” Hudson Institute, March 20, 2025, <https://www.hudson.org/politics-government/hong-kongs-new-national-security-law-needs-robust-us-response-olivia-enos>.

⁴ Kanis Leung and Zen Soo, “What’s in Hong Kong’s New National Security Bill?,” *The Diplomat*, March 9, 2024, <https://thediplomat.com/2024/03/whats-in-hong-kongs-new-national-security-bill/>.

⁵ Chris Lau, “Hong Kong Unveils Its Second National Security Law, Aligning City More Closely with Mainland China,” CNN, March 8, 2024, <https://www.cnn.com/2024/03/08/world/hong-kong-new-national-security-laws-china-intl-hnk/index.html>.

⁶ Samuel Bickett, *Beneath the Harbor* (Committee for Freedom in Hong Kong Foundation, July 2024), <https://thecfhk.org/beneath-the-harbor/>.

⁷ Tony Cheung, “Hong Kong Will Not Implement US Sanctions, Says John Lee Having ‘Laughed Off’ Similar Measures Taken Against Himself,” *South China Morning Post*, October 11, 2022, <https://www.scmp.com/news/hong-kong/politics/article/3195592/hong-kong-will-not-implement-us-sanctions-says-john-lee>.

⁸ Cheung, “Hong Kong Will Not Implement US Sanctions”; Bickett, *Beneath the Harbor*.

⁹ Olivia Enos, “Secretary Rubio—It’s Not Too Late to Prioritize Human Rights,” *Forbes*, June 30, 2025, <https://www.forbes.com/sites/oliviaenos/2025/06/30/secretary-rubio--its-not-too-late-to-prioritize-human-rights/>.

¹⁰ Bethany Allen, “With US Funding Freeze, China Nonprofits Are Facing Extinction. They Need Emergency Assistance,” Australian Strategic Policy Institute, February 6, 2025, <https://www.aspistrategist.org.au/with-us-funding-freeze-china-nonprofits-are-facing-extinction-they-need-emergency-assistance/>.

¹¹ “Elon Musk: Tesla Criticised after Opening Xinjiang Showroom,” BBC, January 3, 2022, <https://www.bbc.com/news/business-59863859>.

¹² Olivia Enos, “The US Must Condemn Hong Kong’s New National Security Law,” *The Hill*, April 5, 2024, <https://thehill.com/opinion/international/4577101-the-u-s-must-condemn-hong-kongs-new-national-security-law/>.

¹³ Olivia Enos, “New Legislation Holds Hong Kong Judges’ and Prosecutors’ Feet to the Fire,” *Forbes*, November 6, 2023, <https://www.forbes.com/sites/oliviaenos/2023/11/06/new-legislation-holds-hong-kong-judges--prosecutors-feet-to-the-fire/>.

¹⁴ “Letter to Blinken, Yellen to Sanction Hong Kong Officials for Human Rights Abuses,” House Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party, July 17, 2024, <https://selectcommitteeontheccp.house.gov/media/letters/letter-blinken-yellen-sanction-hong-kong-officials-human-rights-abuses>.

¹⁵ Olivia Enos, “A Policy Roadmap to Support the People of Hong Kong,” Committee for Freedom in Hong Kong Foundation, January 23, 2023, <https://thecfhk.org/wp-content/uploads/2025/02/A-Policy-Roadmap-to-Support-the-People-of-Hong-Kong.pdf>.

¹⁶ Enos, “A Policy Roadmap”; Enos, “The US Must Condemn.”

¹⁷ “Hong Kong Has Lost Autonomy, Pompeo Says, Opening Door to US Action,” *New York Times*, May 27, 2020, <https://www.nytimes.com/2020/05/27/us/politics/china-hong-kong-pompeo-trade.html>.

¹⁸ Hong Kong Economic and Trade Office (HKETO) Certification Act, H.R.2661, 119th Congress (2025), <https://www.congress.gov/bill/119th-congress/house-bill/2661>.

¹⁹ Enos, “A Policy Roadmap.”

²⁰ Enos, “A Policy Roadmap.”

²¹ Ur M. Jaddou, letter regarding the situation of Uyghur Asylum Seekers to Secretary Alejandro Mayorkas, April 15, 2024, <https://www.uscis.gov/sites/default/files/document/foia/UyghurAsylumSeekers-Massimino.pdf>.

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