

THE STATUS OF DEMOCRACY
AND HUMAN RIGHTS IN HONG KONG, FIVE
YEARS AFTER THE PRC'S JUDICIAL TAKEOVER

HEARING
BEFORE THE
SUBCOMMITTEE ON WESTERN
HEMISPHERE, TRANSNATIONAL CRIME,
CIVILIAN SECURITY, DEMOCRACY, HUMAN
RIGHTS, AND GLOBAL WOMEN'S ISSUES
OF THE
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TUESDAY, JULY 22, 2025

U.S. SENATE,
SUBCOMMITTEE ON WESTERN HEMISPHERE,
TRANSNATIONAL CRIME, CIVILIAN SECURITY,
DEMOCRACY, HUMAN RIGHTS,
AND GLOBAL WOMEN'S ISSUES,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:40 p.m., in room SD-419, Dirksen Senate Office Building, Hon. John Curtis, chairman of the subcommittee, presiding.

Present: Senators Curtis [presiding], Scott, Kaine, Merkley, and Shaheen.

OPENING STATEMENT OF HON. JOHN CURTIS, U.S. SENATOR FROM UTAH

Senator CURTIS. The hearing will come to order.

And as a first note of business, I'd like to note that if your disruptive proceedings of the committee, you'll be arrested, and you will be banned for 12 months from this committee. I don't know who picked 12 months, but that sounds appropriate.

Second note, that the full title of this subcommittee is Western Hemisphere, Transcontinental Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues. While the subcommittee's focus is on the Western Hemisphere, we also have jurisdiction over global health rights and democracy. And Ranking Member Kaine and I will be holding some hearings this Congress on the topic of global human rights and democracies such as this one.

Five years ago, the Chinese Communist Party imposed the so called National Security Law on Hong Kong, an act that marked the end of one country, two systems, and culminated in the full scale dismantling of Hong Kong's freedoms, rule of law, and judicial independence.

Last year, Hong Kong doubled down on its repression and enacted the Article 23 law, a sweeping expansion of the National Security Law that introduces dangerously vague offenses like external interference and state secrets, punishable by life in prison.

This hearing is not just about an anniversary; it's about the people whose lives have been reshaped by the loss of liberty and the warning their story sends to the rest of the world.

We meet today to reaffirm a bipartisan truth. Human rights do not end where the reach of the CCP begins. The United States has a moral obligation to stand firmly with those in Hong Kong, whose voices have been silenced, whose rights have been stripped, and whose future has been thrown unto uncertainty by the Chinese Communist Party.

In the years since 2020, I've watched as courageous Hong Kongers have been arrested, exiled, and silenced. Courageous Hong Kongers like Jimmy Lai, prove the CCP's fears of free voices. Mr. Lai has spent the last 4 1/2 largely in solitary confinement. Authorities are so threatened by his image, that the last photo of him taken 2 years ago by an AP photographer led to that photographer's expulsion from Hong Kong. Since then, guards have used umbrellas, tarps, and even boarded up windows to keep the world from seeing him.

I've watched as judges, once seen as guardians of an impartial legal system, have become enforcers of Beijing's repression. Let's be honest, what was once an imperial legal system is now used as a political tool twisting the law not to protect rights, but to erase them. That's why I introduced the Hong Kong Sanctions Act in the House, to push for sanctions on those in the judicial system responsible for the deterioration of freedom. As if to prove my point, Hong Kong prosecutors responded to this bill by pushing a warrant for my arrest in Hong Kong.

I'm proud to have joined with Senator Sullivan and my fellow subcommittee members, Senator Merkley, in reintroducing this bill in the Senate. And in the face of this, I have a message for those who believe that threats and arrest warrants from 8,000 miles away will intimidate us into silence. They won't. We will not be silenced. The louder the CCP tries to shut us down, the firmer our resolve becomes to defend freedom in Hong Kong and anywhere it is under siege.

Years ago, I spent time in Hong Kong and saw firsthand a city alive with energy enterprise and freedom. Now instead of a beacon of liberty, Hong Kong has become a key node in a global network that assists Russia and other adversaries in evading sanctions, money laundering, and circumventing export controls. To crack down on Hong Kong's status as a money launder and sanctions evasion hub, I've introduced the Stop CCP Money Laundering Act.

The struggle for democracy and human rights in Hong Kong is not over. And this subcommittee will continue to shine a spotlight on the abuses and advocate for accountability and action.

With that, I now recognize the distinguished ranking member, my honor to serve with you, Senator Kaine, for your remarks.

**STATEMENT OF HON. TIM KAINE,
U.S. SENATOR FROM VIRGINIA**

Senator KAINE. Thank you, Mr. Chairman, and thanks to the great witnesses and all who are attending.

As the Chairman mentioned, this subcommittee has one of the longest titles of any subcommittee in the Senate. It's 15 words.

Maybe somebody can beat us. But it is important to note that while the regional focus of the subcommittee is the Western Hemisphere, all of the Foreign Relations subcommittees also have subject matter jurisdictions.

And it's really, really good that this jurisdiction focuses on human rights and other really important issues. And the chair and I have agreed that while the majority of our hearings will likely be within the hemisphere, we will also do some global hearings like this one, on important human rights issues, which are obviously important in the Western Hemisphere as well.

As we begin, I'm going to address one topic at the beginning that ties into the hearing today. It's really important for me and my constituents in Virginia, because Virginia is home to many thousands of dedicated public servants, including those who work at the State Department and related agencies. The RIFs in recent weeks at State have really focused on efforts to dismantle the Bureau of Democracy, Human Rights, and Labor at State.

I'm not sure our adversaries have vigorous human rights portfolios where they think about human rights around the world and try to influence them in a positive direction. And I'm not sure that their ministries of foreign affairs really focus so much on these issues as we do. It's been a hallmark of this committee and of our State Department generally, that this has been a priority across Administrations of both parties.

To the State Department employees whose morale is pretty low now, and those of you who've received RIF notices, I just want to say I really admire your devotion to public service. I have visited with you all over the globe. I commend you for wanting to make the world a safer place and standing up for human rights values. We can proudly proclaim them even though we need to be humble always about our own efforts and the need to do more both at home and abroad. Whether through political means, judicial redress of grievances, legislative advocacy, or organizing, please stay engaged.

And it's directly relevant to our hearing today, I would like to introduce, Mr. Chair, an article from June 6, 2025, the *Washington Post*—“Chinese propaganda surges as the U.S. defunds Radio Free Asia.” If I could ask that to be entered into the record.

[EDITOR'S NOTE.—The information referred to above can be found in the “Additional Material Submitted for the Record” section at the end of this document.]

Senator CURTIS. Without objection.

Senator KAINES. The proposed U.S. 2026 fiscal year budget proposes to take 82 percent of the funding out of our global media efforts. And we need to fight disinformation in the information space. We're not only laying people off; we're hobbling those efforts. I don't think we can safely assume that we can take the State Department's pro-human rights, pro-democracy efforts and just subsume them within the regionals and have the priority be what they need to be.

I also believe that the rescissions package that we passed last week will do additional damage to this important priority. And I do think it's important for the U.S. again, with the humility about our own imperfections to continue to stand up for folks around the

world who are under the thumb of authoritarians and dictators, and you can't do that without people.

All right, this is a really timely hearing, and we're going to hear from witnesses about their assessment of where democratic values and human rights stand in Hong Kong, as the chair said, 5 years after the enactment of the National Security Law.

As you all might know, the PRC imposed this law 5 years ago on Hong Kong to clamp down on civil society following large scale protests against the bill, allowing the extradition of fugitives to mainland China, which many in Hong Kong viewed as directly in contravention of commitments that the PRC had made with respect to the status of Hong Kong and those living there. Some of the drastic impacts of implementation law, including a chilling effect on activists, political opposition groups, dissidents, and other civil society stakeholders.

Let me give a couple of quick examples. Hong Kong national security police have arrested the father and brother of activist Anna Kwok for allegedly dealing with her finances. This is the first use of the city's security law to deal with the relatives of activists who have had to flee Hong Kong in fear of retaliation.

Many activists, including Ms. Joey Siu, who's here today, have bounties for their capture based on spurious accusations about their human rights work being driven by collusion with foreign actors. As if people who live in Hong Kong can't have their own desire for human rights. Why would human rights have to be something that could only be ginned up by collusion with foreign actors, rather than something that lives within the heart of freedom loving people anywhere in the world?

Let me very be very clear—Oh, I also wanted to mention Jimmy Lai, who is still in prison, has been described by Amnesty International as a prisoner of conscience. Protesting should not be a crime. Demanding to live in a free and democratic society should not be a crime. Speaking out against authoritarianism should not be a crime.

I look forward to hearing from all of our witnesses today about their experience being unjustly persecuted for wanting to live in a democratic society, their assessment of where the U.S. policy has had success or could have more success, how Congress can play a role in fostering democracy and respect for human rights. The shared values of democracy, freedom of expression, rule of law, should remain at the core of our foreign policy. I know the chairman of this subcommittee believes deeply in that, and I do as well.

Let me turn it back over to the chair to introduce the witnesses and then get this hearing underway.

I see the vote still hasn't started, so we may be able to do a really long hearing before we have to go vote.

Senator CURTIS. Thank you, Senator Kaine. It is really an honor to do this work with you, and appreciate your reminder when we first met that the committee's jurisdiction was over human rights and far broader than just the Western Hemisphere.

And I jumped into this so quickly, I didn't really have a chance to welcome our witnesses. I'm sorry I wasn't here to greet you before. This is a very impressive group of witnesses, and I'm pleased to have every single one of you here today.

We're going to start with Olivia Enos, a senior fellow at the Hudson Institute, where she writes on a wide range of human rights and national security issues in Asia. She's also an adjunct professor at Georgetown University and a contributor at *Forbes*. She previously worked as Washington's director of the Committee for Freedom in Hong Kong Foundation and before that, as a sitting policy analyst for Asian Studies at the Heritage Foundation, where she wrote about international human rights issues including human trafficking, transnational crime, religious freedom, and democratic freedoms among other social issues in China, North Korea, Burma, and other parts of Asia.

She received her MA in Asian studies from Georgetown University, and a BA in government from Patrick Henry College.

And the time is now yours. We just jumped right over to assuming you all know how to work the buttons. You each have 5 minutes, so please begin.

**STATEMENT OF OLIVIA ENOS, SENIOR FELLOW,
HUDSON INSTITUTE, WASHINGTON, DC**

Ms. ENOS. Chairman Curtis and Ranking Member Kaine and other members of this subcommittee, thank you so much for inviting me to testify today.

Since 2020, freedom in Hong Kong declined precipitously. The impacts of this decline affect not only the fundamental human rights of Hong Kongers, but also the national and economic security of the U.S. and the world.

Hong Kong was once a bastion of liberty in Asia, but since 2019, the special administrative region has taken just shy of 2,000 political prisoners, including well known figures like Jimmy Lai, Gwyneth Ho, and Joshua Wong. It has shuttered pro-democracy press like *Apple Daily* and *Stand News*, and engages in transnational repression through the issuance of bounties on well known overseas pro-democracy advocates, including U.S. citizen Joey Siu, who is testifying here today, my former committee for Freedom in Hong Kong Foundation colleague Francis Hui, and 17 other Hong Kongers in the U.S., United Kingdom, and Australia.

Hong Kong's near overnight transformation is the result of the passage of the National Security Law, which created four new political crimes including secession, subversion, terrorism, and collusion with foreign and external forces. The NSL was compounded by the passage of Article 23 legislation, which added an additional five new categories of security crimes including treason, insurrection, and sedition, theft of state secrets, and espionage, external interference, and sabotage activities.

Hong Kong authorities today act as an extension of the Chinese Communist Party. This is most evident in the distinct erosions in the rule of law, which have implications that extend far beyond the undermining of civil liberties and freedoms.

In a groundbreaking CFHK report, Hong Kong advocate and lawyer Samuel Bickett documented evidence for Hong Kong's ongoing policies of sanctions evasion on behalf of rogue actors, including but not limited to Russia, Iran, and North Korea. Bickett's report goes beyond the headlines that we all know, that Chief Executive John Lee has openly flouted U.S. and international law by refusing to

enforce sanctions and provides credible evidence that Hong Kong companies engage in ship to ship transfers, provide dual use technologies or components, and establish shell companies to evade sanctions on behalf of rogue regimes.

Most notably, Hong Kong contributes substantially toward Russia's war of aggression against Ukraine. From August to December 2023 alone, Bickett's report found that Hong Kong provided over \$2 billion in shipments of banned goods to support Russia. Hong Kong presents among the clearest examples of what happens when the U.S. does not effectively counter the CCP's threats to human rights and good governance.

And America is not immune from the impacts of Hong Kong's decline. As a direct result of the CCP's undermining of rule of law, Hong Kong is now a risky place to do business; transnational repression including on U.S. soil is increasing, and the rights of Hong Kongers continue to be violated.

Unfortunately, Hong Kong's decline is happening amid waning commitments from the U.S. to safeguard and defend human rights. Reductions in force at the Bureau of Democracy, Human Rights and Labor at the U.S. Department of State, planned cuts to nearly all U.S. Government grants supporting human rights and democracy globally, and the targeting of Radio Free Asia, which recently shuttered its Cantonese service, hamstring U.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 U.S. national security in the present, and will undercut U.S. efforts to support human rights abroad for decades to come.

While it may be true that in the short term it is unlikely that Hong Kong will revert to its previous freedom loving semi-autonomous state, it is inaccurate to say that there are no tools of the U.S.' disposal to hold the CCP and Hong Kong officials accountable and alleviate the suffering of the Hong Kong people.

I ask that my full testimony, which includes more than 20 policy recommendations, be submitted for the record, but I will highlight seven policy actions now. Congress and the Administration should first oppose cuts to grants and key personnel supporting democracy and human rights at the Department of State. Second, issue targeted sanctions against individuals and entities responsible for implementing, enforcing, prosecuting, and ruling on the NSL in Article 23 legislation.

Third, consider whether certain entities or sets of transactions in Hong Kong can be designated as primary money laundering concerns. Fourth, continue appropriations for Radio Free Asia and press for pre-existing funds to be released so that they can continue operating and ideally restart at the very least the Cantonese, Uyghur, and Tibetan services. Five, press for the release of all political prisoners in Hong Kong and consider creating an office of political prisoner advocacy at the U.S. Department of State.

Six, consider revoking the Hong Kong economic and trade office's special privileges and immunities, and finally, continue to provide refugee and asylum safe haven to Hong Kongers in need. Thank you.

[The prepared statement of Ms. Enos follows:]

Prepared Statement of Ms. Olivia Enos

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

¹ "Hong Kong Political Prisoners," Hong Kong Democracy Council, accessed July 17, 2025, <https://www.hkdc.us/hong-kong-political-prisoners>.

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>.

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, hamstring 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.

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>.

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.

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

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>. 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.

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."

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

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."

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 advo-

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>.

cacy. 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. Co-operation 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.

Senator CURTIS. Thank you.

We'll now turn to Sophie Richardson, who is a longtime activist and scholar of Chinese politics, human rights, and foreign policy. From 2006 to 2023, she served as the China Director of Human Rights Watch, where she oversaw the organization's research and advocacy.

She speaks Mandarin, and received her doctorate from the University of Virginia and her BA from Oberlin College. Her current research focuses on the global implications of democracies, weak responses to increasingly repressive Chinese governments, and is advising several China focused human rights organizations.

Dr. Richardson.

²²Datt, Angeli. "The Impact of the National Security Law on Media and Internet Freedom in Hong Kong." Freedom House, October 19, 2021. https://freedomhouse.org/article/impact-national-security-law-media-and-internet-freedom-hong-kong#footnoteref80_cgkbb7p.

STATEMENT OF DR. SOPHIE RICHARDSON, CO-EXECUTIVE DIRECTOR, CHINESE HUMAN RIGHTS DEFENDERS, WASHINGTON, DC

Dr. RICHARDSON. Chairman Curtis, Ranking Member Kaine, members of the subcommittee, thank you for the opportunity to join this important and timely discussion about human rights and democracy in Hong Kong.

Over the past 5 years, the Chinese government has accelerated its assault on every aspect of what made Hong Kong a center for thriving civic life: free media, the rule of law, professional law enforcement, and opportunities for democratic participation.

I'd like to start with our collective acknowledgement that growing authoritarianism has influenced even who can sit on this panel. Successive Congresses have expressed their concern about, and solidarity with Hong Kong human rights and democracy activists, including those based inside and outside Hong Kong, by welcoming them to testify. But aggressive global threats have made such participation a gravely risky proposition.

My organization, Chinese Human Rights Defenders, has documented two aspects of Chinese President Xi Jinping's nationwide assault on human rights, that illustrates significant rollbacks of rights for Hong Kong people.

First, between 2019 and 2024, according to available data, Chinese authorities arbitrarily detained and convicted 1,545 people, 123 of them in Hong Kong for peacefully exercising or advocating for human rights. During this time period, more individuals in Hong Kong were convicted of subversion and inciting subversion than in mainland China. And the average prison sentence in Hong Kong under the 2020 National Security Law is more than 5 years.

Second, CHRD has documented numerous cases of authorities inflicting collective punishment on Hong Kong human rights defenders. The harassment by police or administrative actions taken against persons in a group or a family in retaliation for an act committed by an individual.

There's no legal basis or justification for collective punishment in Chinese, Hong Kong, or international law. These violations are an affront not only to Hong Kong's obligations under the international covenant on civil and political rights, but they're also an affront to the laws of democracies in which many activists now live. Congress has been key in pushing forward some of the most important U.S. support for human rights in Hong Kong.

And with that history in mind, I'd like to offer the following recommendations: First, CHRD strongly supports the potentially transformative importance of investigating and prosecuting Chinese government officials for alleged crimes against humanity and genocide targeting Uyghurs. Making the prospect of facing justice a tangible reality could make those officials reconsider their involvement in widespread and systematic abuses.

Along these lines, an appropriate and initiative with respect to Hong Kong could include an effort that would collect evidence of government officials' complicity and serious human rights violations. Many civil society groups have assembled information that can contribute to such an endeavor.

Second, CHRD encourages sanctioning officials implicated in human rights abuses in Hong Kong. Democracy should also condition at least symbolic interactions with senior leaders from Beijing and Hong Kong on the release of wrongfully detained human rights defenders, with a particular urgency for those who are reportedly unwell in detention such as Albert Ho and Jimmy Lai.

Recall that we recently observed the eighth anniversary of the death in state custody of 2010 Nobel Prize Laureate Liu Xiaobo, whom Beijing imprisoned for his pro-democracy calls. Democracy should also prioritize its senior levels listing the views of Hong Kong human rights and democracy activists in policy formulation.

CHRD urges Congress to reinstate support for Radio Free Asia and Voice of America, and urges Congress to reject the OMB's recommendation to eliminate China focused funding for democracy and human rights work. To erase this work empowers Xi Jinping, disadvantages the U.S., and demoralizes and puts at risk many people from and across Hong Kong and China who courageously worked for human rights and democracy.

In closing, I would like to recall that in May 2017, just a few months before Liu Xiaobo's death, two of Hong Kong's pro-democracy icons, veteran barrister and legislator Martin Lee and student activist Joshua Wong, testified before the Congressional Executive Commission on China, which at the time was chaired by then Senator Rubio.

Senator Rubio stressed the importance of autonomy, free speech, and political participation in Hong Kong, noting, "Our hope is to continue to highlight human rights as a key pillar of our national security and foreign policy," and stressing the connection between human rights and economic ties. Lee and Wong spoke memorably of their determination to work for human rights and democracy in Hong Kong, as a matter of security and of values, and come what may for themselves, their families, and their allies.

The U.S. should honor these aspirations and so many people's extraordinary work and sacrifices, and challenge Beijing at every opportunity to uphold its obligations under international human rights law.

Thank you, and I look forward to your questions.
[The prepared statement of Dr. Richardson follows:]

Prepared Statement of Dr. Sophie Richardson

HUMAN RIGHTS IN HONG KONG UNDER BEIJING'S "NATIONAL SECURITY LAW"

Chinese Human Rights Defenders (CHRD) has documented deepening repression under Chinese President Xi Jinping since he assumed power in late 2012, including significantly curtailing the human rights of seven million Hong Kong people. Although Beijing's tactics there include an attempt to gut Hong Kong's legal protections for human rights, it is critical to recall that the International Covenant on Civil and Political Rights (ICCPR) still applies in Hong Kong, and that Beijing also itself has broad obligations under a number of international human rights treaties.

Before the June 30, 2020 imposition by Beijing of a draconian National Security Law (NSL), Hong Kong's relatively democratic politics, independent legal system, and free press helped make it home to an extraordinarily vibrant community of activists and civil society groups. But the contrast between pre- and post-NSL Hong Kong is especially stark: organizations have disbanded in order to avoid prosecution, some activists have sought exile in democracies, and many pro-democracy activists are serving harsh sentences on baseless charges. Those people include Chow Hang-tung, who has been prosecuted for her efforts to commemorate the 1989 Tiananmen Massacre, in legal proceedings that fall woefully short of fair trial rights. Others

wrongfully imprisoned include people who have testified before previous United States Congresses, including Joshua Wong and Lee Cheuk-Yan. Journalist Gwyneth Ho, former Legislative Council member Albert Ho, nurse Winnie Yu, and media leader Jimmy Lai have all been targeted for having done nothing more than try to defend their—and all Hong Kong people's—human rights.

According to research by CHRD, Chinese authorities arbitrarily detained thousands and convicted 1,545 prisoners of conscience for peacefully exercising or advocating for human rights between 2019 and 2024; 123 of them in Hong Kong. Over those 5 years, more individuals in Hong Kong were convicted of "subversion" and "inciting subversion" than in mainland China according to available data, and the average prison sentence in Hong Kong under the 2020 National Security Law is 5.15 years.

In addition, CHRD has documented numerous cases of Hong Kong authorities targeting human rights defenders for collective punishment—the harassment by police or administrative actions taken against persons in a group or a family in retaliation for an act committed by individuals. There is no legal basis or justification for this in Chinese, Hong Kong, or international law. These cases are an affront not only to Hong Kong's obligations under the ICCPR, but also an affront to the laws of the democracies in which many activists now live.

Officials in Beijing and Hong Kong have faced few consequences for robbing Hong Kong people of their human rights. No Hong Kong police—once considered "Asia's finest"—have been prosecuted for credible allegations of violence against peaceful protesters. A handful of officials have been sanctioned for their involvement in human rights violations, but officials and corporate interests from Hong Kong and their counterparts from democracies have, for the most part, carried on—literally and figuratively—with business as usual.

US POLICY

Following the 1997 handover of Hong Kong sovereignty from the United Kingdom to the People's Republic of China—a development in which Hong Kong people's right to political participation was disregarded—United States policy tried to support the principle of "one country, two systems," treating Hong Kong as a distinct entity. That approach is reflected in the 1992 US-Hong Kong Policy Act.

But revising that perception, and the policies that flowed from it, did not keep pace with Beijing's—and especially Xi Jinping's and his Hong Kong appointees'—clear threats to human rights in Hong Kong. Then and now, too many officials from democracies found it convenient to express hope that Beijing would uphold its obligations under the Sino-British Joint Declaration, rather than grapple with the reality that Xi had no intention of doing so. As has been the case with respect to human rights in the mainland, successive US administrations have continued to believe that pressuring Beijing to curtail its repression would incur costs to other interests in the relationship, and so opted for a mixture of strong rhetoric, symbolic gestures, and weak penalties, even as human rights violations worsened.

The options made possible by the 2019 Hong Kong Human Rights and Democracy Act helped in two ways: by making clearer to Beijing that threats to Hong Kong's autonomy could produce adverse consequences, and by paving the way toward the invocation of sanctions. And since the imposition of the NSL, the US's response has involved stripping Hong Kong of its special trade status, sanctioning some officials and entities, and issuing business advisories. It has tentatively offered modestly greater protections to people from Hong Kong.

But these are minor irritants to Beijing, ones it has largely built into its business model, and it continues to expect impunity for its human rights violations in Hong Kong, across the mainland, and beyond China's borders. If the US wants to bring sufficient pressure to bear on Beijing and Hong Kong that might prompt positive changes—such as securing human rights defenders' releases or a commitment to repealing ICCPR-violating laws—it needs to try new approaches.

RECOMMENDATIONS

The challenge for US policy is to bring to bear pressure on Beijing and Hong Kong that might prompt positive change.

CHRD has recommended elsewhere the potentially transformative importance of investigating and prosecuting Chinese government officials for alleged crimes against humanity and genocide targeting Uyghurs. Making the prospect of facing justice a tangible reality for Chinese government officials could make them reconsider committing widespread, systematic abuses. Along these lines, an appropriate initiative with respect to Hong Kong could include an effort that would collect evidence of HK government officials' complicity in serious human rights violations;

many civil society groups have assembled information that could contribute to such an endeavor.

CHRD encourages not only sanctioning officials implicated in human rights abuses in Hong Kong, we also suggest explicitly conditioning symbolic interactions with senior leaders from Beijing and Hong Kong on the release of wrongfully detained human rights defenders, with a particular urgency for those who are reportedly unwell in detention. A failure to do so normalizes their complicity in human rights violations. Recall that we recently observed the eighth anniversary of the death in state custody of 2010 Nobel Peace laureate Liu Xiaobo, whom Beijing imprisoned for his pro-democracy calls. In parallel, democracies should prioritize eliciting the views of Hong Kong human rights and democracy activists in policy formulation.

CHRD also urges reinstating support for Radio Free Asia and Voice of America, critical sources of independent information on Hong Kong, and urges rejecting the Office of Management and Budget's recommendation to eliminate China-focused funding for democracy and human rights work. To erase this work empowers Xi Jinping, disadvantages the US, and demoralizes—and puts at risk—many people from and across Hong Kong and China who courageously work for human rights and democracy.

Finally, Congress could consider requiring US companies to conduct human rights due diligence to ensure that their activities do not create or worsen human rights violations; such assessments are already strongly recommended by the United Nation's 2011 Guiding Principles on Business and Human Rights. Perhaps because the operating environment in other parts of China has become considerably more difficult, US firms continue to enjoy the relative ease of Hong Kong, where they often enjoy access to the highest levels of government. For example, in November 2023, executives from BlackRock, Goldman Sachs, and Morgan Stanley, among others, joined senior Hong Kong officials at a summit entitled "Living with Complexity." We see little evidence that those businesses used that opportunity—or any similar opportunities—to call for the releases of people whose work promoting free speech and the rule of law underpins the ability to generate profits. It is difficult to imagine significant change in Beijing and Hong Kong officials' thinking as long as these dynamics remain unchanged.

In May 2017, just a few months before Liu Xiaobo's death, two of Hong Kong's pro-democracy icons—veteran barrister and legislator Martin Lee, and protest organizer Joshua Wong—testified before the Congressional-Executive Commission on China, which at the time was chaired by then-Senator Rubio. Senator Rubio stressed the importance of autonomy, free speech, and political participation in Hong Kong, noting "Our hope is to continue to highlight human rights as a key pillar of our national security and foreign policy." Lee and Wong both spoke of their utter determination to work for human rights and democracy in Hong Kong, as a matter of security and of values.

The US should honor these aspirations, and so many peoples' extraordinary work and sacrifices, and challenge Beijing at every opportunity to uphold its obligations under international human rights law.

Senator CURTIS. Thank you, Dr. Richardson.

Joey Siu, it's nice to have you with us. Nice to see you again.

Joey is a spokesperson of Amnesty International Hong Kong overseas. She also serves on the executive council of the World Liberty Congress, a global coalition of pro-democracy advocates. As a student leader, she played a crucial role during the 2019 pro-democracy protest in Hong Kong organizing both on campus and city-wide demonstrations, which is when I first met her.

In December 2023, the Hong Kong authorities issued an international arrest warrant for her, a U.S. citizen, for allegedly violating the draconian National Security Law with her advocacy, offering a bounty of 1 million Hong Kong dollars. I might just note too, just to note the bipartisan nature of this, our next two witnesses are here as bipartisan witnesses as well.

So, Ms. Siu.

**STATEMENT OF JOEY SIU, EXECUTIVE COUNCIL MEMBER,
WORLD LIBERTY CONGRESS, WASHINGTON, DC**

Ms. SIU. Chairman Curtis, Ranking Member Kaine, Senators Merkley and Shaheen, and this committee, thank you so much for having me.

The PRC's implementation of the National Security Law of 2020 severely restricted Hong Kongers' freedoms and rights. And with that we saw the erosion of Hong Kong's freedom of expression with the forced closure of *Apple Daily* and other media outlets. Journalists and publishers, including Jimmy Lai, have been persecuted simply for publishing dissent, resulting in an absolute chilling effect where censorship is now the norm in Hong Kong.

Freedom of assembly has also been eradicated. For 30 years, Hong Kong was the only place under PRC rule where June 4 candlelight vigils were allowed. But since 2020, commemorations have been banned, and lighting a candle is now a crime in Hong Kong. What was once a symbol for remembrance and courage is now treated as subversion.

And then there is also the destruction of the freedom of association. Last month, the League of Social Democrats, Hong Kong's last functioning pro-democracy party, was forcibly disbanded. And since 5 years ago, almost a hundred labor unions, churches, student organizations, and civil society groups have been intimidated into silence.

And to suffocate the already shrinking and limited political space, the Hong Kong authorities further introduced a Safeguarding National Security Ordinance, which is also known as Article 23, creating new national security offenses and increasing penalties for existing ones. It granted the Hong Kong government sweeping enforcement powers under the PRC's broad and vague national security and state secret grounds.

With this subcommittee's focus on Western Hemisphere, I want to note that today across all of the Latin America region, a region of over 660 million people, there are around 3,300 political prisoners. And in Hong Kong a tiny little city of just 7 million people, the number is currently at 1,940. And I think this staggering figure speaks to the scale of the PRC's repression and takeover of Hong Kong in the past 5 years.

And among these people, I would like to note that there is Chow Hang-tung, a human rights lawyer now arbitrarily detained for organizing June 4 commemorations and spending her days and nights now in solitary confinement. There is also Leung Kwok-hung, a former legislator who was persecuted for participating in peaceful democratic primary elections.

And then there are also young leaders like myself, including my friend Owen Chow, a freshly graduated nurse who was once the city's brightest rising political star, now serving 12 years and 10 months in prison solely for being a voice of the Hong Kong people. And unfortunately, all sign indicates that there is something darker ahead for Hong Kong.

The court system in Hong Kong now seeks total isolation of dissidents rather than just arrest and prosecution. Just last week, the Hong Kong government tightened the prison rules to restrict lawyer and chaplain visits on vague national security grounds, cutting

these detainees off from legal counsel even before conviction. This black box for potential torture and inhumane treatment profoundly undermines the presumption of innocence and weaponizes incarceration as a psychological warfare.

I will also like to note that the judiciary in Hong Kong right now is also exploited as a vehicle for persecution, delivering pre-ordained convictions, with legal definitions that are manipulated and expanded endlessly to fit the PRC's agenda. Waging illegal warfare decriminalizes not just speech and behavior, but also thought.

The government's campaign against a so called soft resistance inside of Hong Kong is the latest iteration of this effort, where a blank piece of paper or a silent gesture are all considered national security threats that can land you in prison for up to 10 years or for life. And a national security apparatus continues to expand beyond the democracy and human rights scope. With new economic security mandates leading to business surveillance and censorship, cultural correctness campaigns, now regulate art, literature, themes, productions, and even school curriculum in Hong Kong.

And unfortunately, what is more is that the PRC's takeover of Hong Kong does not stop at the borders. As the chairman mentioned, on December 13, 2023, I woke up to the news that I had begun the first, and by far, the only U.S. citizen wanted by the Hong Kong authorities for allegedly violating the National Security Law by, "colluding with a foreign country," the United States, my own country, and with a 1 million Hong Kong dollar bounty out there for my arrest.

This growing transnational oppression against me and the overall crackdown of Hong Kong, I think both illustrate the PRC's blueprint for its export of authoritarian practices. And if we the United States allow it to destroy Hong Kong without consequences, it will soon spill over to Taiwan, the Indo-Pacific and Latin America. Any United States must respond with moral clarity and strategic commitment, by first prioritizing human rights as a core U.S. foreign policy principle.

Second, to continue to press for the immediate release of all Hong Kong's prisoners' of conscience, specifically Chow Hang-tung, Jimmy Lai, Leung Kwok-hung and Owen Chow. Third, to sustain and increase Federal funding for organizations that support Hong Kong's resistance, including but not limited to the National Endowment for Democracy, Radio Free Asia among others.

And last but not least, to guarantee humanitarian resettlement pathways for Hong Kongers, because these brave voices and people deserve a safe haven to tell stories that alarmed the world of the PRC's aggressions.

And with that, I want to end with a quote from Owen, my dear friend. "Evil always wrecks more havoc when the forces of good have been weakened." So let us latch onto the good and hold fast.

And once again, I want to thank you for your attention on this important matter and for being that force of good. Thank you.

[The prepared statement of Ms. Siu follows:]

Prepared Statement of Ms. Joey Siu

I became an activist as Hong Kong's historic pro-democracy movement began, during which I experienced firsthand the erosion of our rights to freedom of expression, assembly, and association. I fought back and became a target of the government,

forcing me to flee and return to the United States (U.S.). My personal story is one that reflects the People's Republic of China (PRC)'s systematic dismantling of Hong Kong's democracy and human rights.

THE COLLAPSE OF RIGHTS AND FREEDOMS

The PRC's implementation of the widely criticized National Security Law (NSL) in Hong Kong in 2020 imposed harsh restrictions on Hongkongers' exercise of freedoms—ones that the Hong Kong authorities were obligated to protect under the city's Basic Law. Over the past 5 years, the world has witnessed the NSL being systematically weaponized to suppress dissent, erode civil liberties, and dismantle the city's once vibrant civil society.

We see the erosion of Hong Kong's freedom of expression. The forced closure of *Apple Daily* and *Stand News*, once bastions of independent journalism, sent shockwaves through the city's media landscape. Editors, writers, and publishers, including the 77-year-old Jimmy Lai, have been persecuted and jailed under the draconian NSL simply for publishing dissent¹. The chilling effect is absolute: today, self-censorship is the norm in Hong Kong.

Freedom of assembly, too, has been eradicated. For thirty years, Hong Kong was the only place under PRC rule where June Fourth candlelight vigils in commemoration of victims of the Tiananmen Massacre were allowed. Since 2020, the vigils have been banned, and lighting a candle is now a criminalized act. What was once a symbol of remembrance is now treated as subversion².

And then there's freedom of association, which has collapsed under the weight of repression. Last month, the League of Social Democrats, the city's last functioning pro-democracy party, was forcibly disbanded. Over 90 labor unions, churches, student organizations, and community associations have been dissolved or intimidated into silence³. What remains is a city where forming a group, voicing a view, or holding a sign can land you in prison for up to 10 years or even for life.

To further diminish the already-limited political space, the Hong Kong Legislative Council passed the Safeguarding National Security Ordinance (SNSO or Article 23) in March 2024, creating new national security offenses and increasing penalties for existing charges. It granted the Hong Kong government sweeping enforcement powers under the PRC's broad and vague definitions of "national security" and "state secrets," which encompass almost any conduct or information⁴.

Following the adoption of the SNSO, at least 15 people were arrested under its sedition provisions, with four subsequently charged. In September 2024, three were convicted and sentenced to prison terms of between 10 and 14 months in separate trials for wearing a T-shirt and a mask printed with pro-democracy slogans; expressing anti-government political comments on social media platforms; and writing protest slogans on bus seats.

A CITY OF PRISONERS OF CONSCIENCE

Today, across all of Latin America, a region of over 660 million people, there are around 3,300 prisoners of conscience. In Hong Kong, a city of just seven million, there are 1,940⁵. With over 300 people arrested under the draconian NSL⁶.

This staggering figure speaks to the scale of the PRC's repression.

Among them are the "Hong Kong 47," the city's most prominent pro-democracy figures, convicted of "conspiring to subvert state power" under the NSL, simply for participating in a peaceful primary election, marking the largest trial of its kind in the city's history.

Amnesty continues to campaign for those unjustly detained in Hong Kong, including:

¹ "Hong Kong: Prisoner of Conscience Jimmy Lai Must Be Released as National Security Trial Resumes." Amnesty International, December 6, 2024. <https://www.amnesty.org/en/latest/news/2024/11/hong-kong-prisoner-of-conscience-jimmy-lai-must-be-released-as-national-security-trial-resumes/>.

² "Hong Kong: Overturning of Chow Hang-Tung Tiananmen Acquittal Another Blow to Rule of Law." Amnesty International, January 31, 2024. <https://www.amnesty.org/en/latest/news/2024/01/hong-kong-overturning-of-chow-hang-tung-tiananmen-acquittal-another-blow-to-rule-of-law/>.

³ Lai, Eric Yan-ho, Olivia Chow, and Thomas E. Kellogg. Rep. Anatomy of a Crackdown: The Hong Kong National Security Law and Restrictions on Civil Society. Washington, DC: Georgetown University Center for Asian Law, 2024.

⁴ "The State of the World's Human Rights: April 2025." Amnesty International, April 28, 2025. <https://www.amnesty.org/en/documents/pol10/8515/2025/en/>.

⁵ "Hong Kong Political Prisoners." HKDC, June 11, 2025. <https://www.hkdc.us/hong-kong-political-prisoners>.

⁶ "Hong Kong: Human Rights Update as of July 2024." Amnesty International, July 25, 2024. <https://www.amnesty.org/en/documents/asa17/8362/2024/en/>.

- Chow Hang-tung (Human Rights Lawyer)—arbitrarily detained and has been spending her days and nights in solitary confinement.
- Jimmy Lai (*Apple Daily* Founder)—arbitrarily detained for over 1,700 days, and currently undergoing a politically charged trial without a jury.
- Leung Kwok-hung (Long Hair) (Former Lawmaker & Social Activist)—persecuted for taking part in peaceful protests and participating in the democratic primaries.
- Owen Chow (Nurse & Youth Activist)—a freshly graduated nurse who was once seen as one of the city's brightest rising stars, is now serving a 12-year and 10-month prison sentence solely for peacefully exercising his freedoms of expression and assembly.

This mass imprisonment of any Hongkonger who dared to disobey the PRC is not a side effect of their authoritarian practices but their core strategy to silence the voices of Hong Kong.

The system is no longer content with arrest and prosecution. It now seeks total isolation. Just last week, the Hong Kong government tightened its prison rules, allowing authorities to bar lawyer and chaplain visits on vague grounds related to national security⁷. Detainees can be cut off from their families, legal counsel, and the outside world, often before they are even convicted. This is an apparent attempt to isolate detained dissidents from external access and support, creating another black box for potential torture and inhumane treatment. These policies invert the presumption of innocence and weaponize incarceration as a tool of psychological warfare.

FUTURE TRENDS

Unfortunately, all signs indicate something even darker—the PRC's complete erasure of democracy and human rights.

There are no more opposition parties. No independent unions. No credible dissent. We are seeing the judiciary—once a source of integrity in Hong Kong—weaponized and now serving as a vehicle for persecution. Courts hand down preordained convictions. Legal definitions extend endlessly to accommodate the state's whims, and ambiguous legal tools are expanded to serve the purpose of “lawfare”⁸. A legal warfare to criminalize ordinary speech, thought, and behavior. The campaign against so-called “soft resistance” is the latest iteration of this effort. A blank piece of paper, a silent gesture, and a shared memory are all treated as threats to national security in today's Hong Kong.

The national security apparatus continues to expand in scope. Under new economic security mandates, businesses are being surveilled and censored. Cultural correctness campaigns now regulate art, literature, and even school curricula. Most troubling of all, Article 23 criminalizes “theft of state secrets,” a term so vague it effectively bans investigative journalism and obstructs access to public information.

The trajectory is clear. The PRC does not merely want to control Hong Kong; it wants to rewrite its identity, erase its memory, and replace it with engineered obedience.

PRC'S TRANSNATIONAL REPRESSION AND ILLIBERAL INFLUENCE

The PRC's takeover of Hong Kong does not stop at its borders.

On December 13, 2023, I woke up to the news that I had become the first and, by far, only U.S. citizen wanted by the Hong Kong authorities for allegedly violating the NSL by “colluding with a foreign country or with external elements to endanger national security,” with a one-million-Hong Kong-dollar bounty for my arrest⁹. The bounty led to countless threats against my life. This includes a concerning number of suspicious emails I received in January offering life insurance for “accidental events” and funeral and burial coverage in the event of my death.

Unfortunately, my case is the tip of the iceberg.

In the past 5 years, the Chinese and Hong Kong governments have been acting in lockstep to escalate transnational repression in both scope and sophistication

⁷ Leung, Kanis. “Hong Kong's New Prison Rules May Curb Lawyer and Chaplain Visits on National Security Grounds.” AP News, July 19, 2025. <https://apnews.com/article/hong-kong-prison-rules-national-security-political-activism-ef9513d1c54425dd4dec7de3b6ef9b84>.

⁸ Lai, Eric. “National Security Law Five Years on: Unpacking Five Major Trends in Governance.” [Chinese characters] Green Bean Media, July 1, 2025. <https://greenbean.media/national-security-law-five-years-on-unpacking-five-major-trends-in-governance/>.

⁹ “Wanted Persons and Reward Notices of National Security Cases.” Hong Kong Police Force, 2023. https://www.police.gov.hk/ppp_en/06_appeals_public/nsc/detail.html?id=20230011.

against Hongkongers worldwide under extraterritorial clauses of the NSL and SNSO, including here in the U.S.

The PRC's assault on Hong Kong is not just a Hong Kong issue. Their takeover of Hong Kong is a reflection of their blueprint for the global export of authoritarian practices. What we see in Hong Kong is being mirrored in Taiwan, across the Indo-Pacific, and increasingly in Latin America.

POLICY RECOMMENDATIONS

The U.S. must respond with moral clarity and strategic commitment:

1. Prioritize human rights as a core principle of U.S. foreign policy.
2. Press for the Hong Kong government to immediately drop all criminal charges against and release prisoners of conscience who have been detained or imprisoned simply for exercising their right to freedom of expression or other human rights, specifically Chow Hang-tung, Jimmy Lai, Leung Kwok-hung, and Owen Chow.
3. Sustain and increase Federal funding for organizations that support Hong Kong's resistance against the PRC's erosion, including the National Endowment for Democracy, Radio Free Asia, Voice of America, among others.
4. Guarantee humanitarian resettlement pathways for politically exposed Hongkongers. No one should be forced to choose between exile and imprisonment, silence and statelessness.
5. Enforce human rights due diligence against U.S. companies trading with the Hong Kong and PRC governments.

What's at stake is not just Hong Kong's future but the future of global democracy. If the U.S. allows the PRC's authoritarian practices to continue to metastasize in Hong Kong without consequence, it will spill over to other parts of the world.

I will end with a quote from my dear friend Owen, "Evil always wreaks more havoc when the forces of good have been weakened, so let us latch onto the good and hold fast."

Senator CURTIS. Thank you, Ms. Siu. I'm not sure how to take it, that my arrest warrant came with no bounty and yours was a million dollars. I think that tells us a little bit about your work.

[Laughter.]

Senator CURTIS. Finally, Caolífhionn Gallagher KC is an international human rights lawyer. Over the past 25 years, she has acted in many leading human rights cases in the UK, Europe, and internationally. Her caseload includes leading the international legal terms for Jimmy Lai, the publisher and pro-democracy campaigner unjustly imprisoned in Hong Kong.

Alongside her practice as a barrister, she is a commissioner of the Irish Human Rights and Equality Commission, Ireland special reporter on child protection, a board member of the Committee to Protect Journalists, a fellow of the Royal Society of Arts, and an adjunct full professor at University College Dublin. In 2023, she was awarded the President of Ireland's Distinguished Service Award in recognition of her work.

We're glad to have you with us today, and you now have 5 minutes.

STATEMENT OF CAOILFHIONN GALLAGHER KC, INTERNATIONAL LEGAL COUNSEL TO JIMMY LAI, DOUGHTY STREET BARRISTERS, LONDON, ENGLAND

Ms. GALLAGHER. Thank you, Chairman Curtis, and Ranking Member Kaine, and members of the subcommittee, for inviting me to give testimony today about this important topic: The status of democracy and human rights in Hong Kong.

And that topic and the fate of one man are inextricably linked, and my client Jimmy Lai, about whom you've heard from the other witnesses. Jimmy Lai's case is emblematic of the crackdown on

human rights, media freedom, and democracy in Hong Kong that we've seen in the past half-decade.

Now, as you've heard, Hong Kong was until relatively recently a beacon in the region, a bastion of the free press, a place for the flourishing civil society, adherence to international standards, the rule of law was intact. Businesses and foreign investment benefited from this stable and certain environment.

But Hong Kong's descent into a very different place has been precipitous. It has plummeted down the press freedom rankings, for example, it's tumbled from 18th in the world a decade ago to now languishing at the bottom of the league table in the red zone, 140 out of 180 countries in the world. It's nestled in the table most recently with Kazakhstan and Rwanda, beaten by Guatemala and Congo.

Now, in these brief opening remarks, I wish to address three topics. First, a very brief overview on Jimmy Lai and what he stands for, with the man being emblematic of Hong Kong's freedoms, which we've seen lost. Second, a brief overview of what's happened to him in the past 5 years, emblematic of Hong Kong's deterioration. And then third and critically, what must be done.

So, first of all, very briefly, and there's more detail in my written testimony, Jimmy Lai is a remarkable man—brave, brilliant, dogged, forged in fires as his deputy and right hand man, Mark Simon, who sits here today, often says. He came as a child refugee to Hong Kong, aged only 12, stowing away on a boat, and he became one of the most successful businessmen in the region.

But since the 1989 Tiananmen Square protests and massacre, he's been a leading figure in the Hong Kong pro-democracy movement, and he used his wealth for good. He's a well known and high profile advocate for democracy and peaceful assembly, a fearless critic of the government and authorities of the PRC. *Apple Daily* quickly became one of Hong Kong's most popular newspapers. And it was the largest independent Chinese language media outlet in the region until its forced closure in June 2021.

And for Mr. Lai, access to free and independent information gives people choice, and choice is freedom. And through his fearlessly independent journalism and his peaceful pro-democracy activism, he became a figurehead in the Hong Kong pro-democracy movement, a courageous critic of human rights violations perpetrated by the authorities. And to use his own words, he said this, "I think it is my duty to do whatever I can to fight for freedom and keep the rule of law here."

And second, the lawsuits he's faced since 2020. Again, more detail in my written testimony. Mr. Lai has over the years trod on powerful toes, and the authorities have long hated him for it and targeted him for it in multiple ways, including financially with his business and his home being firebombed, him being targeted in multiple ways to try to silence him. But in the past 5 years, the most powerful tool of all has been used effectively against him. And that's the law.

And what we've seen is a series, a barrage, of spurious lawsuits and prosecutions against him, all designed to do one thing, to silence him and to have a chilling effect on any others who might dare to speak truth to power. And since his arrest in August 2020

under the draconian National Security Law, he has served four sentences of imprisonment. He's currently serving a fifth.

The United Nations Working Group in arbitrary detention has found that he shouldn't have served a single day in prison. That every single one of those sentences and every single one of those prosecutions involve multiple violations of his fair trial and due process rights. And they found that his detention is arbitrary. He's now on trial for alleged sedition and conspiracy to collude with foreign forces. A vaguely defined offense under the NSL that allows for its arbitrary application to legitimate acts of free speech. And if convicted, he faces life imprisonment, which in reality, given his age means a death sentence.

He's currently facing trial for sedition, which is essentially conspiracy to commit journalism. And under the National Security Law for collusion with foreign forces. and U.S. Government and U.S. lawmakers are at the heart of the allegations against him. Meeting with Senators, meeting with members of the U.S. Government, is presented as being criminal.

But most urgently of all are the humanitarian issues. Time is frankly running out for Mr. Lai. The conditions of his detention, his age, and his health, make this case exceptionally urgent. He will turn 78 later this year. He has now spent almost half a decade in solitary confinement, when international law makes clear that anything over 14 days is problematic. He's denied natural sunlight. He's incarcerated in a tiny, airless cell for over 23 hours per day. And put frankly, this in itself poses a threat to his life, as does the long sentence he will face if as is inevitable, he's convicted under the National Security Law.

And just finally, multiple governments, including the U.S. Government and the UK government, multiple parliaments and international bodies have now called for Jimmy Lai's immediate and unconditional release. And we welcome that. The international consensus is clear on what should happen. He should be released. The key question now is how to ensure it does happen before it's too late.

We've seen with U.S. leadership, political will and creativity and joint working with partners resulting in remarkable releases in recent months, including on Friday from Venezuela, and that remarkable deal last August involving the Russian releases. We now need political will and creativity and working with partners in order to ensure that we don't see this man die behind bars for being a journalist and for standing up for values the U.S. holds dear.

Thank you.

[The prepared statement of Ms. Gallagher follows:]

Prepared Statement of Ms. Caoilfhionn Gallagher KC

INTRODUCTION

1. My name is Caoilfhionn Gallagher KC. I am a barrister (King's Counsel) and international lawyer, specialising in human rights and media law. My clients are based around the world: I regularly act for individuals targeted by, or imprisoned in, a range of countries, including the People's Republic of China ("PRC"), the Islamic Republic of Iran, the Kingdom of Saudi Arabia, Egypt, and Russia. Many of my clients are journalists, human rights defenders, peaceful protestors, lawyers and other individuals who have been targeted by state or non-state actors and subject

to other forms of reprisal, including arbitrary detention and threats to their life, because of they seek to vindicate their internationally protected rights or the rights of others, or to expose the unlawful conduct of individuals, government, and/or corporations. Many of my clients are businesspeople, targeted by authoritarian regimes in order to wrongly appropriate their assets or seize their businesses.

2. I am an expert in both arbitrary detention and accountability for crimes against journalists. My caseload includes leading the international legal teams for renowned pro-democracy activist and publisher Jimmy Lai, imprisoned in Hong Kong; for the bereaved family of journalist Daphne Caruana Galizia, assassinated in Malta; for over 150 BBC News Persian and hundreds of Iran International journalists, subjected to transnational repression by Iran; and for Maria Ressa, the Nobel Peace Prize winning journalist (and US citizen) targeted for her work in the Philippines. I was appointed an expert by the Inter-American Court of Human Rights on the safety of female journalists (*Jineth Bedoya Lima v. Colombia*) and I have given expert testimony to Parliamentary inquiries and committees in the USA, Council of Europe, United Kingdom, Canada, Australia and the European Union.

3. I would like to thank the Senate Foreign Relations Committee's sub-committee for inviting me to give testimony today about the status of democracy and human rights in Hong Kong, five years after the PRC's judicial takeover. That topic and the fate of one man are inextricably linked: Jimmy Lai. Mr Lai is a journalist, a publisher, a businessman and a prisoner of conscience. For his public interest journalism, his defence of press freedom and democratic values and his courage in speaking truth to power, Jimmy Lai has been imprisoned in solitary confinement in Hong Kong since December 2020, has faced a barrage of spurious prosecutions, and is currently being subjected to a long, unfair trial on charges of sedition and alleged violation of the draconian Law of the People's Republic of China on Safeguarding National Security in the Hong Kong and Special Administrative Region ("NSL"). His case is emblematic of the crackdown on human rights, media freedom and democracy in Hong Kong.

JIMMY LAI AND APPLE DAILY: BRIEF BACKGROUND

4. Since the 1989 Tiananmen Square protests and massacre, Mr Lai has been a leading figure in the Hong Kong pro-democracy movement. He is a well-known and high-profile advocate for democracy and peaceful assembly, and fearless critic of the government and authorities of the PRC. His response to the Tiananmen Square events was to found *Apple Daily*, which quickly became one of Hong Kong's most popular newspapers. It was the largest independent Chinese language media outlet in the region until its forced closure in June 2021. For Mr Lai, access to free and independent information gives people choice, and choice is freedom. Through his fearlessly independent journalism and his peaceful pro-democracy activism, Jimmy Lai became a figurehead in the Hong Kong pro-democracy movement and a courageous critic of human rights violations perpetrated by the authorities. In his words, "I think it is my duty to do whatever I can to fight for freedom and keep the rule of law here".

5. Under his leadership, *Apple Daily* was an ally to the pro-democracy movement, including in its support for the 'Umbrella Movement' that swept Hong Kong in 2014. As activists ceased their protests in 2015, the front-page editorial of *Apple Daily* proclaimed, "We will put away our umbrellas so that one day we can reopen them again."

6. Following the pro-democracy protests of 2019 and 2020, police repeatedly raided *Apple Daily*, confiscating documents, arresting senior staff and freezing the newspaper's assets. Marched from the newsroom in handcuffs in August 2020, Jimmy Lai was among the first to be arrested under the controversial, authoritarian NSL. Victoria Tin-bor Hui, a professor of political science at University of Notre Dame has said, "It would not be an overstatement to say that the national security law was made for Jimmy."

7. *Apple Daily* itself was forced to close following the freezing of its assets under the controversial and draconian NSL.

8. Due to his work and his pro-democracy campaigning, Mr Lai has faced a barrage of spurious prosecutions. He was arrested under the NSL in August 2020 and has been arbitrarily detained in a maximum-security prison and in solitary confinement for over 4 and a half years, since December 2020. He has served four sentences of imprisonment already and is currently serving a fifth in circumstances where the U.N. Working Group on Arbitrary Detention ("WGAD") has found that the actions against Mr Lai are "intended to prevent him from exercising his right

to freedom of expression”,¹ and he has faced multiple violations of his fair trial and due process rights such as to render his imprisonment on all previous cases arbitrary.² He is now on trial for alleged sedition and “conspiracy to collude with foreign forces”, a vaguely defined offence under the NSL that allows for its arbitrary application to legitimate acts of free speech.³ If convicted, Mr Lai faces life imprisonment—which in reality, given his age, means a death sentence. Given the near-100 percent conviction rate under the NSL, and Mr Lai’s profile, we expect the worst.

9. Mr Lai’s sedition and NSL trial began on 18th December 2023, after much delay. Originally slated to last 80 days, his trial is still ongoing and has been subject to further lengthy and unreasonable delay. There was a lengthy adjournment to the trial in 2024, resulting in a 6-month hiatus in evidence being heard. The trial resumed on 18th November 2024 when Mr Lai took the stand. Mr Lai gave his testimony for 52 days, including a lengthy period under cross-examination, until 6th March 2025. The trial has been adjourned again until 14th August 2025, when the prosecution is expected to present its closing argument. The prosecution case makes abundantly clear, as found by the WGAD,⁴ that Mr Lai is being accused of engaging in legitimate political debate and discussion with politicians and in his newspaper, *Apple Daily*, of raising human rights concerns, and of calling for accountability for human rights violations in Hong Kong. The US Government and US lawmakers are front and centre of the Prosecution’s case: engaging with US politicians and officials to discuss human rights concerns and the destruction of the rule of law in Hong Kong is presented as criminal conduct—“collusion with foreign forces.”

10. In addition to the serious issues raised by Mr Lai’s case that are directly relevant to his ongoing imprisonment in violation of his rights and the suppression of rights and freedoms in Hong Kong, this case also raises issues that are directly relevant to the security and safety of individuals outside Hong Kong, including in the US, the UK, Australia, Canada and EU Member States, and persons traveling internationally. The Hong Kong authorities have responded to those advocating on Mr Lai’s behalf, including me and my team of international lawyers, and his son, Sebastian, with acts of intimidation and threats of prosecution, as highlighted in the Secretary General’s Annual Reports on Reprisals, 2023 and 2024.⁵ This response is emblematic of the increasing attempt by China to intimidate and threaten lawyers,⁶ pro-democracy activists, parliamentarians, and others advocating on Mr Lai’s and others’ behalf and for the Chinese and Hong Kong authorities to be held accountable for serious human rights violations committed by them.

11. The destruction of fundamental rights and freedoms in Hong Kong under the guise of protecting national security was further entrenched on 19th March 2024 by the adoption of the Safeguarding Nationals Security Bill, legislation enacted pursuant to Article 23 of the Basic Law (“Article 23 legislation”). The adoption of the legislation, that includes vaguely defined provisions regarding “sedition”, “state secrets”, and “collusion with an external force”⁷, prompted a chorus of criticism from states, including the US with respect to its “far reaching implications” for the rule of law and the protection of rights of freedoms of all people living and working there. The U.N. High Commissioner for Human Rights,⁸ the US,⁹ the European

¹ WGAD Opinion no. 34/2024 concerning Mr Jimmy Lai Chee-ying (Hong Kong/China), 26th September 2024, § 100.

² Ibid, §§ 107 and 112.

³ Ibid, §§ 103–105.

⁴ Ibid, § 115.

⁵ As highlighted by the U.N. Secretary General’s Annual Reports on Reprisals, 2023 (A/HRC/54/61) and 2024 (A/HRC/57/60).

⁶ See for example, Fiona Hamilton, ‘Jimmy Lai lawyers face threats from China for defending Hong Kong mogul’, *The Times*, 30th September 2023; <https://www.theguardian.com/world/2025/feb/15/uk-based-lawyers-for-hong-kong-activist-jimmy-lai-targeted-by-chinese-state>, *The Guardian*, 15th February 2025.

⁷ Pursuant to paragraph 6 of the legislation, for the purposes of the legislation, “external force” means a government of a foreign country; the authority of an external place, a political party in an external place; any other organisation in an external place that pursues political ends; an international organisation; a related entity of a government, political party or organisation; a related individual of a government, authority, political party, organisation or entity.

⁸ OHCHR, Press Release, ‘Rushed adoption of national security bill a regressive step for human rights in Hong Kong—U.N. Human Rights Chief’, 19th March 2024.

⁹ See, for example, US Department of State, Press Statement, ‘Hong Kong’s New National Security Law’, 22nd March 2024.

Union,¹⁰ and Canada¹¹ have all raised grave concerns about potential for enforcement overreach, the failure of the new law to safeguard human rights and freedoms enshrined in the Basic Law, and the fundamental conflict between respect for the rule of law on the one hand and the implementation of the Chinese security apparatus on the other.

INHUMANE CONDITIONS

12. The conditions of Mr Lai's detention, his age and his health make his case exceptionally urgent. He must be released before it is too late. Mr Lai is now 77 years old, and will turn 78 later this year. A diabetic with associated symptoms and other age-related health complications, Mr Lai is denied natural sunlight and incarcerated in a tiny airless cell for over 23 hours per day in a climate of extreme heat and humidity.

13. He has already spent almost half a decade in prison, in prolonged solitary confinement, in inhuman conditions. This in itself poses a threat to his life, as does the long sentence he will face if—as is inevitable—he is convicted under the NSL.

Key Concerns

14. Mr Lai's case raises several key concerns regarding the violation of his fundamental rights and freedoms, as found by the WGAD, including the rights to freedom of expression, peaceful assembly, a fair trial, and the prohibitions of arbitrary detention and of torture, cruel and inhuman treatment, and the treatment of elderly persons in prison. Moreover, Mr Lai's case is emblematic of the rapid destruction of the rule of law in Hong Kong since the NSL was enacted in 2020, and now the "home grown" Article 23 legislation, and the misuse of criminal laws to silence voices critical of the Chinese Communist Party, to silence calls for accountability for human rights violations, and to suppress any discussion or debate of political ideas in Hong Kong.

- Mr Lai has been detained in prolonged solitary confinement for over 4 years, since December 2020, raising serious concerns for his health and wellbeing.
- As found by the WGAD, Mr Lai has been arbitrarily detained in relation to all the cases he has faced since 2020.¹²
- Mr Lai has already been prosecuted and sentenced to lengthy sentences of imprisonment for his peaceful participation in pro-democracy protests in violation of his rights to freedom of expression and peaceful assembly, and to a fair trial.

• In an unprecedented case, he has been convicted and sentenced to nearly 6 years' imprisonment on spurious allegations of fraud said to arise out of the breach of a commercial lease—the first time a landlord and tenant dispute has been the subject of a criminal prosecution in Hong Kong. His conviction and sentence were condemned by the UK Foreign, Commonwealth and Development Office¹³ and the US Department of State,¹⁴ among others, and the WGAD has found that the trial, as with all the trials he has faced, was manifestly unfair and his resulting imprisonment arbitrary.¹⁵ His appeal against conviction was heard on 14th and 15th January 2025. The appeal court's judgment is pending, expected 6 months from the date of the hearing.

• Mr Lai is now being prosecuted for alleged sedition and alleged conspiracy to collude with foreign forces under the NSL for his journalism and his pro-democracy activities, in clear violation of his rights to freedom of expression, freedom of association, and to a fair trial.

• There is publicly available credible evidence that the testimony of a key prosecution witness in the case against Mr Lai, Andy Li, has been obtained by torture,

¹⁰ Council of the European Union, Press Release, 'Hong Kong: Statement by the High Representative on behalf of the European Union on the adoption of new national security legislation', 19th March 2024.

¹¹ Foreign, Commonwealth and Development Office, Press release, 'Hong Kong national security legislation: UK statement', 19th March 2024.

¹² WGAD Opinion no. 34/2024 concerning Mr Jimmy Lai Chee-ying (Hong Kong/China), 26th September 2024, § 119.

¹³ <https://x.com/annietrev/status/1601958104463204353?s=20&t=1xDofW9v4gdtDy0Mqyvi4g>

¹⁴ https://twitter.com/StateDeptSpox/status/1601638664697942018?s=20&t=xx0iJWcEVA_SufPE1wWQ4w; <https://www.state.gov/jimmy-lais-fraud-case-verdict/>

¹⁵ WGAD Opinion no. 34/2024 concerning Mr Jimmy Lai Chee-ying (Hong Kong/China), 26th September 2024, §§ 82 & 112.

as raised by the U.N. Special Rapporteur on Torture with China, on 31st January 2024.¹⁶ China has so far failed to respond to the Special Rapporteur's concerns.

- China has failed to allay concerns, as raised with China by WGAD and four U.N. Special Rapporteurs in a joint communication concerning Mr Lai's case sent on 17th March 2023,¹⁷ that engagement with the U.N. could amount to a crime under the NSL. In its response to that concern, China stated "whether a particular act constitutes an offence would depend on the facts and circumstances of each case, and hence over-generalisation is neither possible nor appropriate".¹⁸ No clarity has been provided as to how criminal sanction may be avoided. China's position is alarming, and is clearly threatening to any individual inside or outside Hong Kong, or mainland China, who seeks to engage the U.N. human rights mechanisms on their own or on others' behalf.

US AND UK GOVERNMENTS

15. Multiple governments, Parliaments and international bodies have now called for Jimmy Lai's immediate and unconditional release, including the US Government, the UK Government, the Australian Government, the Canadian Parliament, the European Parliament, the U.N. WGAD, five U.N. Special Rapporteurs, and Roman Catholic leaders. The international consensus is clear on what should happen. The question now is how to ensure it does happen, before it is too late. How can the principle be converted to practice?

16. The US and UK Governments are key to securing Jimmy Lai's release. He is a British citizen and his case is also intimately connected to the US, in many ways—including that many of his investors and his executives are US citizens, and the NSL prosecution has weaponised his links to the US, Congress and the US Government against him.

17. Mr Lai's case has been and continues to be a priority for the US Government. The various prosecutions, verdicts and sentences have been repeatedly condemned by the United States' Government¹⁹, politicians from every stripe of each side, and civil society. In response to Mr Lai's sentence in unfounded fraud proceedings (based on alleged violation of a commercial lease) a spokesperson for the State Department, stated that, "the United States condemns the grossly unjust outcome of Jimmy Lai's latest trial sentencing. By any objective measure, this result is neither fair nor just", and called upon China to respect freedom of expression, including for the press, in Hong Kong.²⁰ The US Government has described the charges against Mr Lai as spurious and has further expressed its ongoing deep concern, "about the deterioration in the protection for human rights and fundamental freedoms and the systematic dismantling of Hong Kong's autonomy under the National Security Law (NSL)", and the efforts by the Hong Kong authorities to use the NSL to "suppress independent media, to silence dissenting views, and to silence freedom of speech."²¹ US President Trump has repeatedly expressed his commitment to securing Mr Lai's release²².

18. UK Foreign Secretary David Lammy and members and officials at every level of the UK government²³ continue to raise Mr Lai's case, including during the July 2025 meeting between the Foreign Secretary and his Chinese counterpart Wang Yi²⁴. The Foreign Secretary has made clear in Parliament the UK government's view that it would be "a catastrophe" were China to allow Lai to die in jail²⁵.

19. Mr Lai has been the victim of targeted judicial and prosecutorial harassment and had his key assets in Hong Kong dismantled and expropriated. Mr Lai's trial marks yet another milestone on the grim journey by which Hong Kong has travelled from relative freedom and prosperity to authoritarianism and decline. The bold revelations by the prosecution have confirmed that Mr Lai is indeed being prosecuted

¹⁶ OHCHR, Special Procedures, Press release, 'Hong Kong SAR: U.N. expert warns against admission of evidence, allegedly secured through torture, in Jimmy Lai case', 31st January 2024.

¹⁷ Joint Communication to China, AL CHN/1 2023, 17th March 2023.

¹⁸ China's reply to Joint Communication, CH/HR/2023/46, 1st May 2023, at § 56.

¹⁹ US Department of State, Press Release, 'Trial of Jimmy Lai Under the Hong Kong National Security Law', 17th December 2023; State Department: Democracy, Human Rights & Labor, <https://twitter.com/StateDRL/status/1706700113907712198>, 26th September 2023.

²⁰ See https://twitter.com/StateDeptSpox/status/1601638664697942018?s=20&t=xx0iJWcEVA_SufPE1wWQ4w

²¹ See <https://www.state.gov/jimmy-lais-fraud-case-verdict/>

²² <https://hongkongfp.com/2025/05/09/us-president-trump-to-raise-hong-kongs-jailed-tycoon-jimmy-lais-case-in-china-trade-talks/>

²³ From Prime Minister Starmer down: <https://www.independent.co.uk/news/uk/politics/keir-starmer-xi-jinping-meeting-g20-b2648912.html>

²⁴ <https://x.com/DavidLammy/status/1943718892045738364>

²⁵ <https://www.youtube.com/live/PVLgxTC2w00?t=7009s>

and will likely be condemned to life imprisonment for his journalism, for discussing political ideas, and for calling for accountability of individuals responsible for human rights violations. The credible information that a key prosecution witness, Andy Li's, evidence has been procured by torture underlines the cruel lengths the Hong Kong and Chinese authorities will go to, to secure Mr Lai's conviction.

20. This case is now extremely urgent. Mr Lai risks dying in prison. Now is the time to turn the call for his release into action to ensure that Mr Lai is released and brought home before it is too late.

21. At a time when world leaders are looking to build bridges, particularly economic bridges, with China it is essential that Mr Lai's case is not forgotten. As attention turns to the US and UK relationships with China, it is essential that Jimmy Lai's case is resolved before any talk of normalisation is allowed to progress. Mr Lai must be released before China is taken seriously as a credible negotiating partner.

Senator CURTIS. Thank you. Thank you to all the witnesses.

I'll now begin the question round by yielding myself 5 minutes to begin the question. And I have a question initially for all of you. We'll start over here with Olivia.

The United States has tried several policy tools, everything from sanctions to public diplomacy in response to this repression that you've all have articulated so well. I'd like to know what specific steps you would like to see Congress take and maybe narrow that down to just the one or two, and specifically what the legislative branch can do.

Ms. ENOS. Thank you.

So, I have one overarching recommendation and then three very quick ones that are specific to Hong Kong. I promise I'll be quick. The first is we just have to continue to support funding and grants and the continuation of DRLs good work. Because apart from it, there are many organizations that will be shut down who are essential to maintaining the continuation of solid work on Hong Kong, but on China generally.

And without those grants, many of them will close even as soon as the end of the summer. Some for sure by the end of the year. My three Hong Kong specific ones are, first, I would love to see a primary money laundering concern designation issued for Hong Kong. Congress can hold the Administration's feet to the fire by putting them on a specific timeline or reporting requirement, asking them to investigate whether certain entities or sets of transactions qualify as a primary money laundering concern. This is so important because it's a cross cutting measure. It speaks to the fact that rule of law is undermined and that that business as usual is not, you know, it is not business as usual.

The second is to press for the release of all political prisoners in Hong Kong. We have to be doing that daily. Members of Congress can adopt political prisoners. They should do so for Hong Kongers. And then the third is to ensure the extension of deferred enforcement departure for Hong Kongers past its original deadline, but also to ensure long term permanent pathways for resettlement. Sorry,

Senator CURTIS. Ms. Siu.

Ms. SIU. I think Olivia already noted several accountability tools that the U.S. has in hand and can utilize in terms of protecting Hong Kong's democracy and human rights. And I would also like to note that how the funding cut has been impacting the Hong Kong diaspora community and organizations that have been supporting Hong Kong's resistance, especially, particularly regarding the National Endowment for Democracy and Radio Free Asia.

With the forced shutdown of *Apple Daily*, *Stand News*, and other media outlets, we're seeing that there is a huge gap in terms of ensuring that the news from Hong Kong is coming out. And for so many years, especially over the past 5 years, Radio Free Asia has filled that gap. And we need to ensure that the funding is sustained for organizations including the RFA and VOA to ensure that we understand what is happening in Hong Kong currently to inform the U.S. policy.

And also in regards to the net, I think it is really important that we restore the funding that is dedicated to supporting the freedom of human rights inside of Hong Kong because I believe it is very, very important that we make sure that we're not just supporting the underground resistance verbally, but then also through meaningful contributions. So, I would say that was the number one priority.

And second, I think there are also several legislations currently in the Congress that we should be passing, including the Hong Kong Economic and Trade Office Certification Act, which I know that the chairman also supports. For so long [unclear] has been used as a tool to expand the CCP's influence in the United States and very recently infiltrate the Hong Kong diaspora community, and their status must be reviewed.

Senator CURTIS. Thank you.

Dr. Richardson.

Dr. RICHARDSON. Very quickly, I think Congress should start considering requiring U.S. businesses to conduct human rights due diligence on their operations in Hong Kong to make sure that they are not creating or contributing to violations. I think this both helps make sure that the ICCPR and other laws are upheld. I think it also would help end the mixed messaging that results from seeing U.S. businesses showing up and working with precisely some of the same people who are responsible for carrying out human rights violations.

Senator CURTIS. Thank you.

And am I going to pronounce this right, Kelen?

Ms. GALLAGHER. Keelen. Yes. OK. It's got rather a lot of letters, but it's just pronounced Keelen. As you can imagine, I get called all sorts of things.

Senator CURTIS. I can imagine, yes.

Ms. GALLAGHER. So, I just raised a few things. The first thing is to say China is of course not unusual in targeting dissidents, journalists, those who speak truth to power. But something which is a little different with Hong Kong is that fig leaf of due process, and the fact that it's essentially a police state, but trying to masquerade still as a place where you can do business as usual. It's trying to still masquerade as a place which is a financial center.

And indeed, just recently they've announced a new international court where they want to challenge the International Court of Justice and have their own form of court there. So, they do want to maintain that fiction of one country, two systems. And seems to me that that gives us real leverage because we know it's in their policy interests to have Hong Kong return to being a place where the rule of law is intact. So, highlighting the false narrative in the way that

this hearing is doing is hugely helpful, is the first thing I would say. Second thing I would say—

Senator CURTIS. Alright, just quickly, I'm over time, but go ahead.

Ms. GALLAGHER. Of course.

Senator CURTIS. I think my colleagues will give me just a minute of grace.

Ms. GALLAGHER. Of course. Second thing I would say is, it seems to us that the U.S. and UK governments working together should be key to securing Jimmy Lai's release. He's a British national, but his case is intimately connected with the U.S. in many ways.

And for Senators in particular, we would ask that in your interaction with the State Department and NSC staff in the coming months, given that there's just been coverage suggesting that there may be some high level engagements at APEC toward the end of October, and also potentially even a high level visit to China. It's essential that the release of Jimmy Lai is raised in all of the preparatory meetings before any high level engagement. And it should be front and center of the agenda in the coming months.

Senator CURTIS. Thank you. All wonderful answers. I made it through one question of my many pages.

I would like to point out before I pass the microphone that, and I was going to ask you all about this, but I think you'd agree, if we don't pass any new Hong Kong measures this Congress, there is a risk that that's interpreted by the CCP as silent. That silence is that we're accepting what's happening over there. I'd just like to point that out.

And with that I yield and give 5 minutes to the Ranking Member.

Senator Kaine. Thank you, Mr. Chair.

And just on the Jimmy Lai, I just want to acknowledge Senator Risch, the chair of the committee, has also been pretty active with many of us in repeated statements on behalf of Jimmy Lai. I know that will continue.

Ms. Siu, you've testified here before, and so you know that people in the room and people watching are a mixture of experts in the topic who care deeply about it and people who are coming to the topic new and who care deeply about it.

So, I'm going to ask you a very basic question. Why is the CCP afraid of you? You're a 26 year old who started your advocacy when you were about 17 or 18. Why would they be afraid enough of you to put a HK\$1 million bounty on your head?

Ms. SIU. I think that's because I create troubles. I've been doing that since I became a student activist in 2019. And unfortunately, I think my personal stories mirror as one of Hong Kongers' overall resistance.

I met the chairman, Chairman Curtis, back in 2019 when I was a student activist organizing citywide protests, and you know demonstrations on campus. That was also when Hong Kongers in a small city of only 7 million people, as I noted, 2 million took on the street to say no to the CCP's suppressions. And following that, CCP has doubled down on this crackdown on our freedoms to assembly, expression, and association.

Senator Kaine. And by trouble you mean assembly?

Ms. SIU. Yes.

Senator Kaine. Which we are guaranteed in this country, the right to peacefully assemble to petition government for redress of grievances, expression, protest. I don't view peaceful activity as trouble, but apparently some do. Is that right?

Ms. SIU. Yes, that is correct. The CCP sees our exercising of our rights to freedoms of assembly, association, and expression as a huge trouble. And that is why I think, precisely the reason why they decided to further introduce the Safeguarding National Security Ordinance on top of the National Security Law.

Senator Kaine. And if I could just—on the expression side, you referenced briefly in your testimony, but didn't explain, but again, for those who are here who care, but may not be experts, the blank paper protests.

So, in Hong Kong and other parts of China, the degree of suppression of expression was so great that creative activists began holding up blank sheets of paper with no figures on them whatsoever, as a way of demonstrating there are things we would like to say, but the repression of this government means that we cannot even put anything on this sheet of paper. And then the Chinese government has cracked down on the use of blank sheets of paper. Am I right about that?

Ms. SIU. You're correct.

Senator Kaine. And they've not only cracked down on it, but they've scrubbed social media accounts because Chinese citizens were searching blank sheet of paper, wonder what this is all about. And there has been a crackdown on the availability of even that search for Chinese citizens to find out what a blank sheet of paper means.

Ms. SIU. Yes, that is correct. And you see, after the introduction of Article 23, there had also been arrests and convictions made in Hong Kong for people who have worn a t-shirt with protest slogans. There have been arrests of individuals who have written protest slogans on buses and held blank pieces of paper in protests of the government with nothing written on it. And I think that speaks to the scale of the PRC's takeover and repression in Hong Kong.

Senator Kaine. Let me ask you one other question. There's an article that I'd like to introduce in the record. It's from Radio Free Asia, the title "CCP Cheers RFA Cantonese's Demise," dated July 9, 2025, recently. Talk a little bit about what Cantonese language Radio Free Asia has meant to Hong Kongers.

Ms. SIU. As I said Senator Kaine, for the past 5 years, especially following the closure of *Apple Daily* and *Stand News*, RFA has become one of the few sources that kept on reporting about what has been developing inside of Hong Kong with Article 23 and the National Security Law.

It was not just a source for Hong Kongers outside of Hong Kong or the international community to understand what the PRC is doing inside of Hong Kong, but also a source for people who are on the ground to understand what is happening, given that the PRC has revoked visas for international journalists and shut down other media outlets reporting on court news and everything else.

And I cannot stress enough how important the Cantonese service of RFA has been to the people of Hong Kong. And just last month,

the month before RFA's forced shutdown down due to the funding cuts, because they have reached 1.2 million people, readers online. And I think that speaks to the importance of RFA.

Senator Kaine. With that I'll yield the remainder of my time back.

Senator CURTIS. Thank you.

I'd like to recognize the Senator from New Hampshire for 5 minutes.

Senator SHAHEEN. Thank you, Mr. Chairman.

Thank you all for being here.

Last week, the minority members of the Senate Foreign Relations Committee, the entire committee, released a report that highlights how the Trump administration's actions in the first 6 months in office have undermined our ability to compete with China.

This is the report, if you haven't already seen it, I would offer it for anyone's interest. A clear example of this is the one you were just referring to, Ms. Siu with Senator Kaine, and that is the Administration's silencing our voice in Hong Kong through Radio Free Asia.

Since Hong Kong's handover to China in 1998, Radio Free Asia, as you pointed out so well, has served as a beacon of independent media. The Administration's decision to withhold congressionally appropriated funds resulted in the closure of Radio Free Asia's Cantonese operations exactly 5 years since the enactment of the Draconian National Security Law.

And what I think is significant, and you alluded to this, is that Chinese officials celebrated this news, calling it, "a huge victory for real Asian journalism." So, Ms. Siu, you talked about what the consequences are of abandoning this independent media in Hong Kong. Can you and any other members of the panel also talk about how the PRC is taking advantage of that closure?

Ms. SIU. Sure. Thank you, Senator Shaheen for the question. And I will try to be quick about that.

With the shutdown of RFA on July 1, unfortunately there is, you know, little to no independent media that is still operating in Hong Kong that can actually report about the on the ground developments. And unfortunately, that created a huge gap, which is filled by Chinese state affiliated media such as Ta Kung Pao, TVB, et cetera, et cetera. And I think that also creates this huge information gap that really does not help when it comes to informing U.S. policy in regards to Hong Kong.

So, I do think it is so, so, so important that we resume the funding so that the Cantonese service and as well as my panelists Olivia has mentioned, the Tibetan and Uyghur service, because those have been really the beacon of democracy and independent media voices. So, I will stop there and yield.

Senator SHAHEEN. Yes, Dr. Richardson.

Dr. RICHARDSON. Thank you very much, Senator Shaheen.

I actually wanted to thank you for a different point that's made in that report, which is about the U.S. withdrawal from the Human Rights Council. This is one of the only institutions available for human rights activists from across China to try at enormous risk, to bring forward issues, to get some redress.

The Chinese government consistently tops the league tables, year after year for reprisals against activists for trying to engage with U.N. human rights mechanisms. The Chinese government has become extremely adept at influencing that system, changing how it works, shutting its critics out. And it's a byzantine institution. It's not the one I would design. But let's be clear, leaving it to an authoritarian regime that has lots of resources and a clear commitment to making it not about human rights, is deeply problematic. So, thank you for flagging that.

Senator SHAHEEN. Well, thank you. And can you talk a little bit about what kind of message that sends to the people of Hong Kong and to others who are looking at our withdrawal from that organization?

Dr. RICHARDSON. Well, briefly, I think it is confusing and demoralizing. I think it's already extremely difficult for Chinese activists and activists from Hong Kong to interact with that system and to not necessarily have the leadership and the air cover, so to speak, that democratic governments can bring to bear in keeping those institutions open for their participation, pushing to make sure that they're admitted, that events reflect their views, that their reports are contributed, that their voices are heard. That's an incredibly, I assume you would agree, an incredibly important part of how activists can bring their issues forward. Thank you.

Ms. SIU. And if I may just add Senator Shaheen, I think there is a widespread confusion among the Hong Kong people who are still resisting on the ground, as in why we are conceding the space, this very, very important narrative space to the Chinese Communist Party. And I do think there is also huge concern shared by the Hong Konger community, as in who is going to take over that gap, that is being left out by the forced closure of Cantonese service under RFA. And we all know that that is going to be the CCP.

Senator SHAHEEN. Thank you.

Ms. Enos.

Ms. ENOS. I just wanted to add that the CCP is already overtaking the short-wave frequencies that Radio Free Asia used, and that's not just in the Chinese context. I also work on Korea, and this is happening in the North Korean context as well. And I think what is happening with Radio Free Asia is a microcosm of the broader challenge that we're having, where the U.S. says, we're going to leave human rights promotion and democracy promotion up to other people around the world who don't share our same values.

And I would also just note that one of the most important things that Congress can do on this is to ensure that Radio Free Asia has a separate line item, not underneath the USAGM auspices, but a separate line item for appropriations that make it possible for Radio Free Asia to be depoliticized in the current context.

Senator SHAHEEN. Thank you.

I would also add to that, that the defunding of the U.S. Agency for Global Media has significantly also limited the operations of Voice of America's 450 Latin American affiliates. And since the subcommittee deals with those issues, I think it's important to add that into the record as well.

Thank you all very much.

Senator CURTIS. Thank you.

I'd like to yield the Senator from Florida for 5 minutes.

Senator SCOTT OF FLORIDA. Thank you, Chairman.

Well, first thanks each of you for being here. Thank you for what you do each and every day.

Anyone who pays attention to the evils of the Chinese Communist Party knows the name Jimmy Lai. Jimmy is a great advocate for free press and a hardworking entrepreneur who is being held as a political prisoner in Hong Kong, because he didn't cower to Xi Jinping or censor the atrocities he committed.

What the Chinese Communist Party is doing to him is disgusting. Let's be clear, Xi Jinping and his thugs are responsible for this abusive treatment of Mr. Lai, not the government of Hong Kong, which is nothing more than a puppet of Beijing. Jimmy's a friend, it's an honor to speak on his behalf and do whatever I can to help return him to freedom. To each of you, what can be done to help Jimmy Lai and other political prisoners? However, you want to start.

Ms. ENOS. I think that Jimmy Lai is, you know, such an important figure because he represents, as you said, freedom in general. I think there are several things that Congress can do and several things that the Administration can do. First, it was encouraging to see that Jimmy has been adopted by a Member of Congress. That's an important move. But I think that beyond this, it would be great to see State Department expanding its ability to prioritize political prisoner release at the executive branch level.

I advocated in my Hudson Institute report, which I published last December, for the creation of an Office of Political Prisoner Advocacy, that would augment the work of the special envoy for hostage affairs and make it so that it is squarely within the U.S.'s realm to be able to not only advocate for U.S. hostages abroad, but also for individuals like Jimmy Lai, who are not American citizens, but who are equally worthy of our best efforts.

Senator SCOTT OF FLORIDA. Thank you. How do you guys want to go?

Ms. GALLAGHER. First of all, Senator Scott, may I thank you for your very powerful advocacy for Jimmy Lai. He's extremely lucky to have you in his corner. We're very grateful for everything that you've done in relation to his case.

I agree entirely with the remarks that you've made about Jimmy Lai and the importance of his case. And there is such urgency to his case now given his state of health. And just to put that very starkly in context, there's a very strong evidence based showing that there is a much elevated risk of death in circumstances where you have elderly prisoners who are held in solitary confinement, that is elevated further when you have an elderly prisoner who's diabetic, right?

Dr. RICHARDSON. With no sunlight.

Ms. GALLAGHER. With no sunlight, that's right. With no sunlight, limited fresh air, very limited meaningful human interaction. So, in any circumstances, regardless of the conditions, there's an elevated risk of death when you have someone held in solitary confinement for that length of time. International law is clear that once you hit 15 days, that's problematic. He's been held in solitary

confinement for over 1,600 days. That's what we're dealing with, since December 2020. There's an elevated risk of death in any event. And because of his age and his state of health, that is a very real risk.

Now, it seems to us that it is simply not in China's interests for Jimmy Lai to die in prison. You heard the name Liu Xiaobo earlier. It seems to us that as the Chinese Communist Party repeatedly say, they consider Jimmy Lai to be a notorious anti-China element and to be a risk to national security and so on, turning him into a martyr doesn't seem to be in their own interests either.

We think there's a critical moment coming up now because as more focus is turning to U.S. and UK relationships with China, it seems to us it's essential that Jimmy Lai's case is resolved, before any talk of normalization or closer relations with China progresses. Our view is that Mr. Lai must be released before China is taken seriously as a credible negotiating partner, and we need to start seeing conditionality and consequences to engagement with China while Mr. Lai remains behind bars.

Senator SCOTT OF FLORIDA. Thank you.

Ms. SIU. Senator Scott, thank you for your attention to this very, very important measure. I know that you were in Hong Kong in 2019, so I think your experience with Hong Kong also reflects PRC's takeover. In regards to Jimmy Lai, I think in my opening remarks, I mentioned two recommendations. One is to prioritize human rights as a core U.S. foreign policy principle, and second, for the U.S. to urge for the release of Hong Kong's prisoners of conscious, including Jimmy Lai, Chow Hang-tung, Leung Kwok-hung, and Owen Chow.

And I think it is a very, very crucial moment that we mention these names in every conversation that we are having with the PRC, including in regards to AI and trade. I think it's so crucial that we continue putting that pressure from the Congress and from the executive branch in regards to call for the release of Jimmy Lai and the others.

Dr. RICHARDSON. I agree completely with all of these suggestions. I would just add that you and or members of the subcommittee, other members of the Senate, people in the Administration, should relentlessly ask to see him, even if you know you're going to be denied, and insist on his release.

It could be transactional, it could be situational, but the reality is that one of the ways that the U.S. and the German governments eventually secured the release of Liu Xiaobo's widow, who is arbitrarily detained for 8 or 9 years after his death, confined to solitary in her apartment in Beijing, was that they just kept asking.

Angela Merkel just kept asking every single time she saw Xi Jinping. She just said, you have to let her go. You have to let her go. And it was just that consistency and that the requests were made at that level. And I think that's something that easily people who were as committed to this issue as you are, could do. Thanks.

Senator SCOTT OF FLORIDA. Thanks for what each of you do.

Thank you, Chairman.

Senator CURTIS. Thank you, Senator Scott.

I'd like to yield 5 minutes to the Senator from Oregon.

Senator MERKLEY. Thank you very much, Mr. Chair, and thank you for putting this hearing together.

And I'm struck about the similarity between what you're all presenting here, what was presented before the China Commission, which both then Senator Rubio and I had turns in chairing, and what came in the last September in the Committee for Freedom in Hong Kong. Perhaps we'll see all of you at the third annual gathering of that here in September. And some of the things you mentioned, just continue to strike of chord,

Ms. Siu, that lighting a candle is a crime. That suggests how dramatically Hong Kong has changed.

And Ms. Richardson, your support for investigating crimes against humanity that China's involved in, including against the Uyghurs. And I co-wrote the Uyghur Forced Labor Prevention Act. I would like to see other countries adopt a similar presumed assumption that things that are made in certain areas of China have been made with slave labor.

You can—we have a safe harbor for companies can prove that it's not, but it's really, I think, the only effective answer, and only America's taken it. So, we see goods rejected here, shipped to Canada, which is unacceptable.

Ms. Enos, your 21 recommendations, and Ms. Gallagher, your fierce conversation about the inhumanity of the way that Mr. Lai has been treated. His son, Sebastian has come up here repeatedly and along with others to keep making that case.

There are two bills that this committee, and I think, Mr. Chairman, you mentioned in your opening remarks, so I wasn't here. The Hong Kong Judicial Sanctions Act with Senator Sullivan and Curtis and myself are leading it, mandate sanctions on Hong Kong and judicial officials complicit in human rights abuses.

Do any of you support getting that done? I see nodding heads across the board.

The second is the Stop CCP Money Laundering Act. Senator Curtis and I are co-leading that. And one of you mentioned money laundering as a significant factor. Does anyone see any reason not to proceed with getting that passed?

Mr. Chairman, I really appreciate your suggestion that if our failure to pass legislation out of Foreign Relations on Hong Kong would be an implicit statement about our lack of concern, I don't want that to happen. I hope we'll build on the foundation of those bills and many of the ideas that are presented here today to proceed.

One thing that has really troubled me is the persistent business activity that Hong Kong has so valiantly tried to sustain and to give themselves cover. And of course, it's kind of a key vulnerability. If companies were to translocate, is there any sort of strategy in the works to try to move the financial operations, the firms that participate, and say it's really unacceptable to be locating and contributing to what China has done in Hong Kong.

Ms. Enos.

Ms. ENOS. It's not business as usual in Hong Kong, and we all know this here, but I think many businesses would prefer to look the other way. We have to make it so that they can't look the other way. And this is a huge part of the reason why I have long advo-

cated for a primary money laundering concern designation, especially for subsets of transactions or specific institutions, because that has the potential to shift risk.

And we know this because a primary money laundering concern designation was used against North Korea. And the bank said, oh my goodness, we're not going to touch Bank of Delta Asia, once it had that primary money laundering concern designation issued. We need to start doing that for Hong Kong because businesses are continuing to buy the propaganda from John Lee and others that Hong Kong is just fine.

But we know that they are actively supporting Russia's war of aggression against Ukraine. They're actively supporting other rogue actors like Iran and North Korea. And we know this because of a fabulous report that Sam Bickett did, called *Beneath the Harbor*, which I would encourage if it's possible to submit that entire report to the record if it's possible.

Senator MERKLEY. Mr. Chairman, we ask that the report be submitted for the record.

[EDITOR'S NOTE.—The information referred to can be accessed at <https://thecfhk.org/research/beneath-the-harbor/>.]

Senator CURTIS. Without objection.

Ms. ENOS. Thank you.

Senator MERKLEY. Anybody else like to weigh in on this? Thank you.

Ms. GALLAGHER. Yes. Just in relation to business Senator Merkley, it's very important to say, I briefly referred to what happened to *Apple Daily*, and what's happened with *Apple Daily* is state sponsored theft of a hugely successful business.

So, as well as being, of course, a real blow to press freedom, it's also a real cautionary tale for the over 1,300 U.S. businesses, which currently operate in Hong Kong, the 84,000 U.S. citizens currently based in Hong Kong. Because so vaguely defined are the offenses under the National Security Law that anyone who's operating in that environment is at real risk.

And what I would also say is that what we see with Hong Kong is it essentially becoming a bay of broken promises, a safe harbor for human rights violators. And it's essentially an authoritarian regime masquerading as a free market, free trade hub, finest laundromat for cleaning money in the East. And I'm always struck by those very powerful words, which former Congressman Mike Gallagher used where he described golden blindfolds being worn by individuals, staring out the windows of their glass offices onto Victoria Harbor.

And I think it's really critically, because we know how important it is to Hong Kong and to China to have Hong Kong seen as a place where it's safe to do business. And we must keep calling out the fact that in its current guise, it is not a safe place to do business. And could I also ask that we read into the record, there's a very powerful piece which was recently written by the Committee to Protect Journalists on why what's happening under the National Security Law in eroding press freedom is also bad for business? It's from the 30th of June, and they pointed out that actually Hong Kong's economic boom happened because journalists could work without interference.

And that what you now have is fading financial appeal, in part, because of Hong Kong trying to continue being seen as an international financial center in circumstances where it has such gross restrictions on information and such a crackdown on press freedom. So, it's bad for press freedom, it's also bad for business.

Senator MERKLEY. Mr. Chairman, can we put that report in the record?

[EDITOR'S NOTE.—The information referred to above can be found in the "Additional Material Submitted for the Record" section at the end of this document.]

Senator CURTIS. Yes.

Senator MERKLEY. And could I follow up one point here? I know, I'm over time.

So, as we think about the manufacturing that goes on with the Uyghurs in China, we're able to say to companies, consider moving to Vietnam. Not that their human rights record is perfect, but we're continuing to work closely with Vietnam and hopefully to see a much better situation there than with the Uyghurs or other places in Asia that have the potential for the same sort of manufacturing.

But is there an alternative for the financial center in Hong Kong where you can say to a business, you could be in Kuala Lumpur, or could be—is it partly that there's no like magnet alternative that keeps these big companies doing their financial business in Hong Kong? Is there not a feasible alternative?

Dr. RICHARDSON. I'll try to answer both those questions. Olivia will do a better job on the alternative location question, but Senator Merkley, just very quickly, first of all, thank you for all of your hard work with the CECC. But the story of the last 40 years involves a lot of U.S. business activity and money flowing into China, as the Chinese government got progressively more repressive.

And as extraordinary and accomplishment as the UFLPA is, it should not have taken credible allegations of crimes against humanity and genocide to get us to that point. You know, we've had 40 years of occasionally a story floats up that, you know, X American company has been found using forced labor, or you know, Y companies dealing with labor unrest inside China. What are we waiting for? These variables, I think are extremely clear.

And until U.S. companies and any companies are required to show that they are not part of the problem, we're going to keep having this conversation and will only be able to pass laws when the situation has gotten exponentially worse than it should have. You know, this is not the direction everybody wanted to convince themselves we were going in post-Tiananmen. The argument was, let businesses invest. People will make money, repression will lessen, it'll all get better. That's not how it's turned out.

Thank you.

Ms. ENOS. I'm so glad Sophie raised UFLPA. I have lots of thoughts on that, but I want to address that. I'll go ahead and address. I think Singapore has been offered as a credible alternative, it has its drawbacks because it's very close with China and the CCP. But that has been the one that has come up most frequently. I think though we should be encouraging folks to just be more fo-

cused on like the UK and the U.S. which are the stronger financial centers to be focused on at this particular juncture.

And I think that that should be an area of focus. I believe in the resilience of the market. I believe that businesses can be agile and can change directions. They're just choosing woefully to look the other way in the face of as Sophie pointed out, just incredible evidence of ongoing genocide and crimes against humanity for Uyghur, the near dissolution of freedom overnight in Hong Kong. I mean, it's fairly breathtaking over the last several years. So, I think we're beyond the point of kind of saying it's OK, businesses, you just didn't know, they absolutely know and are continuing to look the other way.

Senator MERKLEY. I would love to see a press story in which 25 major financial companies altogether say, we are moving to Singapore, and we're doing it 6 months from now, If X, Y, and Z, don't change. We need some kind of shock wave to change the dynamic.

Ms. ENOS. Well, and it's going to require folks like Jamie Dimon of JP Morgan and Chase, who's continuing to underwrite, you know, public offerings for Hong Kong companies to say, I'm not doing that anymore. We can't verify this because the rule of law is so undermined. And they have to stop coming when John Lee invites them for big, flashy business conferences where there's just tons of executives lining up.

Senator MERKLEY. Thanks so much.

Senator CURTIS. Thank you. Great, great line of questioning, if the witnesses will indulge us, the Ranking Member, and I would like to just finish with a question or two ourselves. We can't pass up the opportunity to have you here and appreciate your expertise, and I'll yield to the ranking member.

Senator KAINES. Great, thank you Mr. Chair.

I have two topics that I'd like to address briefly. Ms. Enos, you testified, and I was kind of taken aback with it, that it's not only that the U.S. has shuttered RFA operations with respect to China, that would be in Cantonese, Tibetan, and Uyghur, and then in North Korea. But did you indicate that the CCP is taking over the shortwave frequencies that the U.S. was using for those broadcasts?

Ms. ENOS. That's my understanding.

Senator KAINES. So that's pretty amazing. I mean, if we had just terminated the broadcast, but let's just broadcast white noise, which I guess is the audio version of a blank sheet of paper, we could have stopped the CCP from taking over the frequencies that we're using. But by terminating these programs and doing nothing, we're actually allowing the CCP communication channels that they didn't have before.

So, it's not just like the reduction of a U.S. effort, the reduction of the U.S. effort has handed an asset to the CCP that they're now using to further disinformation and oppression. Well, that's sort of a stunner.

Now the second thing I want to ask is this, I referenced in my opening testimony, but we didn't get into it in the Q&A, Ms. Siu, and I want to offer it to all of you. In the Uyghur area, among Uyghurs, and we have many Uyghurs who live in Virginia, the persecution of Uyghurs in China to sort of punish the human rights

activists living in Virginia and the United States is kind of a thing, and we've seen a lot of examples of it.

Are we seeing the same with respect to the persecution of Hong Kongers because of the activity of activists who've left Hong Kong living in the United States, living elsewhere, does it put their family members at risk who still live in Hong Kong?

Ms. SIU. Yes, absolutely. Senator, last month, I testified before the Tom Lantos Human Rights Commission, where we talked about the trends and policy approaches to transnational oppression. And I referenced that actually a lot of the situations that our Hong Kong diaspora community is facing really mirrors what the CCP has been doing with the Uyghur and Tibetan communities, including this tactic of coercion by proxy, where also they're taking our family members, friends, and loved ones, including former colleagues and friends, back home as hostages.

We have had cases of Uyghur Americans in the Virginia area, their family members calling from East Turkistan, which is controlled by the PRC, asking their family members overseas to stop speaking about the Uyghur genocide or else their family members are going to be taken to concentration camps.

And we're seeing very similar tactics being employed against the Hong Kong community right now, where our family members and friends are constantly taken into interrogation, being asked by the police about our activities here in the United States. We've also had cases mentioned in the very beginning about Anna Kwok's father and brother being taken into interrogation and charged for having contact with her.

I think that all illustrates the trends of transnational oppression against the Hong Kong community as going toward the direction of what the Uyghur community has experienced. And unfortunately, that includes myself. I live in Virginia and unfortunately, even after leaving Hong Kong, I still do not feel safe. Thank you.

Senator Kaine. Thank you.

Ms. Gallagher, and then back to the Chair.

Ms. GALLAGHER. Yes. I just want to pay tribute to Joey and to Anna Kwok and to the others who've put up with such horrific targeting, and essentially using human collateral in Hong Kong to try to put pressure on Americans and American residents here and people around the world. At the tactics which are now being deployed by the Hong Kong authorities in relation to transnational oppression are horrendous and they're expanding. We've seen the headlines, of course, about the bounties and what they do there in relation to family members, but they're also broadening it and using it far, far more widely. And that includes, for example targeting individuals outside the diaspora or exile communities.

So, for example, I and my colleagues simply for acting as international lawyers for Jimmy Lai have been threatened with prosecution, called enemies of the state, have had a whole range of threats sent to us. I'm acutely conscious that because we do not have family members in Hong Kong, we are not under the same level of pressure. But it's important to say that this is now a new tactic, which is expanding and anyone who dares stand up to the Hong Kong authorities is being targeted.

And may I highlight in particular, Sebastian Lai, who of course has given testimony before this committee, simply for being a son, speaking out for his father. Sebastian has been threatened with criminal prosecution. He's been threatened with criminal prosecution for addressing the United Nations. He's been accused of committing criminal offenses, and as a result, he has not seen his father since December, 2020, and he will never see his father again unless the trajectory changes and we can secure Jimmy Lai's release.

Senator Kaine. Thank you very much.

Senator Curtis. Thank you.

I'll be brief.

Ms. Gallagher, just one quick question and if the others want to weigh in on it. Mr. Lai's a UK citizen, how would you assess London's response so far, and what coordination actions should the United States be taking with the UK and other allies to magnify all the things we've talked about today?

Ms. Gallagher. Thank you for the question.

Yes, Jimmy Lai is a British citizen. He's only a British citizen, that is not recognized by the Chinese authorities who consider because he's ethnically Chinese, he's Chinese, which of course should send a chill down the spine of anyone, who because of their ethnicity, could then be faced with the long arm of the Chinese state using those TNR tactics.

The British government was slow out of the blocks, it's fair to say, to deal with this case. For a very long time there was no commentary whatsoever coming from the UK about the case. And in fact, the U.S. Government showed real leadership in this space. We're very grateful for it. The U.S. Government called for Jimmy Lai's immediate and unconditional release before the UK government did so.

And in fact, the UK Government in December 2023 had a U turn on its policy and finally called for Jimmy Lai's immediate and unconditional release, thanks to work which was done by members of this committee, who just happened to be here on the day when I was testifying in December 2023, and when the then foreign secretary, Lord Cameron, was here.

So, what happened in Washington fundamentally altered the UK's position and gave the UK steel in this case. What we now need to see with the UK and U.S. Government working together, is them using the leverage that they've got. He's a British citizen, but it's a case which intimately is connected to U.S. Government interests. U.S. Government and U.S. officials are at the heart of the prosecution. U.S. investors and U.S. executives have had their assets appropriated, people who work for *Apple Daily* and worked for Jimmy Lai.

And we're very grateful to see that the U.S. President now has twice referred to Jimmy Lai and the importance of securing his release both on the campaign trail and since he's come into office. And we're very grateful to see the support that we're now getting from [unclear], from State, and from others.

We want to see close working between the U.S. and the UK to use the leverage that they've got. And most importantly, we know there's a series of high level engagements coming up in the next

number of months. And Prime Minister Keir Starmer is due to be traveling to Beijing. Our view is that Prime Minister Keir Starmer should not travel to Beijing unless he sets as a condition that he will not go unless and until Jimmy Lai a British citizen is freed. And we would ask for your support here, to ensure that the U.S. hammers that message home in its bilateral engagement with the UK, to ensure the UK uses the leverage it's got to secure the release of their citizen.

Senator CURTIS. Very well spoken.

We're close to time, but if you—Dr. Richardson, go ahead.

Dr. RICHARDSON. Sure. I'm sure you're familiar with the phrase, nature abhors a vacuum. Nature has not got anything on the Chinese Communist Party. We have spent the last hour talking about what happens when democracies fail to advance protections or step back from protections of open democratic spaces. The Chinese government steps in—media, business, the United Nations, human rights, and democracies, citizens of democracies elsewhere.

It's my view that, even as of a few years ago, like minded democracies had radically underinvested in the project of protecting democratic spaces and institutions, both for themselves and for people inside China, Hong Kong, who wanted the same things, right? We need more coordination; we need more resources. We need much higher ambition, much better interactions between the like minded democracies, not less.

Senator CURTIS. Great. It's a great way to end.

Thank you all, thank you to our witnesses for attending today. Thank you to the ranking member. For the information of the members, the record will remain open until the close of business tomorrow, July 23. We ask the witnesses to respond as promptly as possible. Your response will also be made part of the record.

With that, I thank the committee, and we stand adjourned.

[Whereupon, at 4:01 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

Submitted by Senator Tim Kaine

Democracy Dies in Darkness

Democracy in America

Chinese propaganda surges as the U.S. defunds Radio Free Asia

Beijing expanded its state propaganda, including to the persecuted Tibetan and Uyghur minorities, as RFA pulled back.

June 6, 2025

By [Sarah Ellison](#) and [Cate Cadell](#)

Two months after the Trump administration all but shut down its foreign news services in Asia, China is gaining significant ground in the information war, building toward a regional propaganda monopoly, including in areas where U.S.-backed outlets once reported on Beijing's harsh treatment of ethnic minorities.

Cutbacks at Radio Free Asia and other news outlets funded by the U.S. Agency for Global Media have allowed China to fill a programming void and expand the reach of its talking points, according to an analysis prepared for a USAGM grantee that, though based on [publicly available data](#), was not authorized to be shared publicly.

RFA distributed its broadcast on 60 shortwave radio frequencies as recently as late March, when President Donald Trump issued [an executive order demanding drastic cuts to U.S.-backed media](#). The news service is not using any of those frequencies anymore, the analysis found. China's state radio added 80 new frequencies during the same period, jamming frequencies previously used by RFA and increasing its own broadcasting on more frequencies and for longer hours, according to the analysis.

The U.S. decision to shut down much of RFA's shortwave broadcasting in Asia is one of several cases where the Trump administration — which views China as America's biggest rival — has yielded the adversary a strategic advantage. [The administration gutted the United States Agency for International Development](#), which once served as a counterweight to Chinese influence in many developing countries. And China has [expanded its trading relationships](#) with countries affected by Trump's tariffs.

“USAGM once broadcast a huge amount of content globally in so many different languages,” said Steve Palmer, a decades-long veteran of international radio broadcasting who has never worked at a USAGM entity. “With those disappearing, there is evidence to suggest that other countries are stepping in to fill the void.”

Kari Lake, the Trump ally who is serving as a senior adviser to the USAGM, which oversees RFA, did not respond to questions for this story. An agency spokesperson and the White House also did not respond to requests for comment.

The U.S.-backed news outlets under USAGM were often the only outside voice in countries that limit — and sometimes criminalize — independent reporting.

In a sign of how verboten RFA is across Asia, in late 2020, RFA reported that authorities in North Korea executed the owner of a fishing fleet in front of 100 boat captains and fishery executives for secretly listening to broadcasts by Radio Free Asia and other unauthorized media outlets.

The media analysis centers on the use of shortwave radio in and around China. Shortwave signals can travel for thousands of miles. In countries with strict internet censorship, shortwave can circumvent restrictions and deliver information to audiences while maintaining listeners’ anonymity and protecting them from reprisals.

In China, the government strictly controls access to independent media, especially in regions like Tibet, Inner Mongolia and Xinjiang, where it has continued its efforts to suppress ethnic minority communities.

Because shortwave radio does not track listeners, it is unclear how many people are affected. But even small inroads can make an impact in areas that are otherwise sealed off. RFA played a significant role in drawing attention to Beijing’s mass internment drive in Xinjiang that detained more than a million ethnic Uyghurs in “reeducation” centers.

For example, RFA is no longer broadcasting to Tibetan or Uyghur audiences. Beijing has added 26 new Tibetan language frequencies and 16 new Uyghur language frequencies since the end of March, the same period when RFA began pulling back. The additions expand the reach of China’s propaganda.

RFA’s retreat closes one of the last sources of media in China that broadcasts beyond the state’s control. Beijing deploys the world’s most sophisticated censorship system, blocking virtually all foreign news and social media, and is investing heavily in expanding the reach of its own radio stations abroad, which are run under the authority of a CCP propaganda bureau.

"It's a moral imperative that America takes the lead on helping these ethnic groups where their human rights are being trampled, especially by China," said Rep. Carlos A. Gimenez (R-Florida), who sits on the House Select Committee on Strategic Competition between the United States and the Chinese Communist Party. He acknowledged that the United States has limited resources, but asked: "If the Chinese think these channels are worthwhile, then why don't we?"

Beijing has long sought to reverse what it perceives as a losing global battle with the West in what it calls "discourse power," said Maria Repnikova, a professor at Georgia State University specializing in Chinese propaganda and soft power.

"China's propaganda efforts are extensive and multifaceted and have been increasing in sophistication over the past several decades," Repnikova said.

Radio Free Asia is one of the news outlets that, until recently, was operating under the umbrella of the U.S. Agency for Global Media. Voice of America, the oldest of the outlets, was created in 1942 to combat Nazi propaganda. RFA followed in 1996, spurred by the Chinese government's censorship of the bloody Tiananmen crackdown seven years earlier.

RFA's mission is to deliver uncensored domestic news and information to China, Tibet, North Korea, Vietnam, Cambodia, Laos and Myanmar, among other places in Asia with little access to independent media outlets and few, if any, free speech protections. All broadcasts were presented in local languages and dialects, including Mandarin, Tibetan, Cantonese, Uyghur, Vietnamese, Lao, Khmer, Myanmar and Korean.

But RFA has had to place almost its entire staff on unpaid leave as Lake carried out the executive order. Employees and their unions sued the administration in April, trying to restore funding for the news services. A judge has granted that funding be restored on a monthly basis, but the future of the news organization is still in peril.

Chinese officials have lauded the closure of RFA, which raised particular ire for its comprehensive coverage of Uyghur camps. A spokesman for the Chinese Embassy in Washington said that RFA has a "long list of bad records" reporting on China, and that Beijing's growing number of state radio services improve media literacy.

"In the digital age, misinformation often spreads faster than verified facts ... media cooperation between China and relevant countries is conducive to promoting mutual understanding and trust between the people of these countries," said spokesman Liu Pengyu.

China initially denied the existence of the Uyghur internment facilities, and later described them as "vocational centers."

The first Trump administration declared in 2021 that China's treatment of Uyghurs was a genocide, a designation that the Biden administration extended.

The Chinese government essentially eliminated Uyghur broadcasting by imprisoning Uyghur journalists, Uyghur writers and Uyghur editors in internment camps, said Alim Seytoff, director of RFA's Uyghur service, leaving the region with only Chinese government propaganda. And while China controls all of its residents' access to media, the Uyghur region is "the most closed, most surveilled, and the most armed region of China," Seytoff said.

China spent vast sums to try to jam RFA's Uyghur service, Seytoff added. The broadcasts, available to the more than 11 million Uyghurs living in Xinjiang, brought global attention to China's repression of Uyghurs. Beijing's heavy spending supported not only jamming the RFA broadcasts, Seytoff said, but also persecuting the family members of RFA's Uyghur journalists, surveilling, intimidating and placing roughly 50 of them in detention camps.

The channels that have a growing presence as RFA withdraws are subsidiaries of China Media Group, a state-run conglomerate overseen by the CCP's propaganda department. Since 2018, CMG outlets — including China National Radio and the internationally focused China Radio International (CRI) — have undergone a polished overhaul, expanding their reach at home and pushing aggressively into new regions abroad, airing content in more than 65 languages.

Officials overseeing CMG units have unanimously described them as a "mouthpiece" for the Communist Party. In 2017, then-CRI chief Wang Gengnian said the broadcaster's role was also to recruit "foreign mouths and brains" to amplify Chinese policies overseas — particularly Beijing's sweeping Belt and Road infrastructure push. Popular programming includes state news bulletins and culture-focused segments that consistently cast China in a positive light.

In Xinjiang and Tibetan regions, native-language state radio broadcasts include programs focused on reinforcing national laws and promoting ethnic unity. One such recent Xinjiang tourism segment was titled "How Can We Not Love Xinjiang," while a Tibetan-language broadcast featured extended readings from President Xi Jinping's political ideology.

At an event celebrating the anniversary of the Chinese state-run Tibetan radio network last month, a senior official from Beijing's propaganda department said its ethnic language services should allow the "leader's thoughts to penetrate the hearts of ethnic people like honey rain."

What readers are saying

The comments predominantly criticize President Trump's decision to defund Radio Free Asia, suggesting it weakens U.S. influence and strengthens China's position in the information landscape. Many commenters express concern that this move cedes ground to China, allowing it to... [Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

Submitted by Senator Tim Kaine

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rfa

Ambassador Chen Song  @PRCAmbNepal

Finally, make our world quieter and more peaceful. Thank you.

Nury Vittachi  @NuryVittachi · Jul 2
CIA-founded Radio Free Asia shut down its Cantonese language operation yesterday.

The move is a huge victory for real Asian journalism—and a relief for speakers of the language in Hong Kong and Guangdong, apt to be confused by the ...
[Show more](#)

Radio Free Asia shuttered its Cantonese service yesterday



3:27 AM · Jul 2, 2025 from Nepal · 1,096 Views

China's Ambassador to Nepal shares his feelings about RFA Cantonese going dark on social media platform X. (RFA)

CCP cheers RFA Cantonese's demise

2025.07.09

Without assured or consistent Congressional funding being disbursed by the USAGM, RFA's has shrunk down its operations, with some language services going completely dark. The latest casualty was RFA Cantonese, among the last fiercely independent outlets in Hong Kong. RFA's reporters have always risked their personal safety to report on what's being ignored and censored by the CCP-controlled media - just watch this video of our coverage of the HK pro-democracy demonstrations ([link HERE](#)) - that is, until last week. Among the mourning were some cheers, notably from the CCP ...

'Good news!'

Who's the most excited by RFA Cantonese's closure? China. (Surprise, surprise.)

“Good news!” crowed pro-China social-media influencer Li Jingjing [to her 116,000-plus followers on X](#). “Radio Free Asia Cantonese service got shut down, right before the 28th anniversary of Hong Kong’s return to the motherland! This media was spreading lies, hatred and stoking separatism in China, serviced as a propaganda tool with United States Agency for Global Media (USAGM)’s funding.” China’s ambassador to Nepal chimed in with his [message of approval](#) (pictured).

China’s state-sponsored Global Times [reported](#) that “the notorious anti-China media Radio Free Asia” was shuttering. The story included a quote from Chinese foreign ministry spokesperson Mao Ning given in March, when RFA was first told by the U.S. government that its grant agreement was suspended: “We are not going to comment on U.S. adjustment of its domestic policies. ... On those U.S. media you mentioned, their blemished track record on China coverage is hardly a secret.” No love from the CCP.

‘Thank you for always telling the truth’

Opinions take a sharp turn with the people who have relied on our Cantonese reports. “Many Hong Kong media outlets have been forced to close by the CCP & repressive HK gov’t, but ironically it’s the US gov’t that’s ended” RFA Cantonese, the Hong Kong Democracy Council [said on X](#).

“Thank you RFA for letting Hong Kong people know the truth about news from all over the world, especially the truth about how the CCP oppresses Hong Kong people,” Pepper Chan, a commenter on [RFA Cantonese’s Facebook page](#), said in a comment. “I believe you will come back again; we will wait.”

Reading RFA Cantonese on Instagram had “become a habit,” [said one commenter](#). “Thank you for always telling the truth,” said another. Many repeated this question: “What other Cantonese news media can I watch?” And media freedom watchdog RSF added: “[Reporters Without Borders] is outraged about the closure of Radio Free Asia (RFA) Cantonese,” [the org posted on Bluesky](#). “7.5 million Hongkongers already live in a growing news desert. Trump claims to ‘stand with Hong Kong,’ but his decision to gut funding for USAGM media like RFA hampers access to reliable news in the territory & worldwide.”

Documenting freedom’s decline in Hong Kong

Since its start in 1998, the year after Hong Kong's handover to China, RFA Cantonese has been a steady source of news in Hong Kong, Macao, and the mainland. The notion of a promised "one country, two systems," approach to governance faded with China's increased influence in Hong Kong — change that accelerated with the national security law in 2020 that allowed Beijing to drive out much of the territory's independent media.

With the passage of Article 23 and after being labeled as a "foreign force," RFA Cantonese was forced to close its Hong Kong bureau in 2024, but its influence continued to grow, especially on social media. When it closed in June, it had become one of Hong Kong's last surviving independent news outlets. Some highlights ...

- In a January 2024 field research study of young Hong Kong escapees in Taiwan, participants regarded RFA as crucial for bridging information gaps and an essential resource for the increasingly restricted information landscape.
- RFA Cantonese delivered extensive coverage of landmark Hong Kong court cases in Nov. 2024: the trials of [47 pro-democracy activists](#) and media mogul [Jimmy Lai](#). Reports drew more than 130K views, and earned praise from family members who confirmed RFA's position as a highly trusted source of news for HK audiences.
- RFA documented Hong Kong's [national security crackdown](#) and the global exile movement, including [a recent feature](#) profiling three U.S.-based Hong Kong activists, which drew nearly 200K YouTube views within a week.

Submitted by Senator Jeff Merkley

Why a Hong Kong law that is eroding press freedom is also bad for business



A plane flies over the Two International Finance Centre in Hong Kong in 2024. With the shuttering of multiple media outlets, there is less financial reporting from Hong Kong. (Photo: AFP/Dale De La Rey)

New York, June 30, 2025—Hong Kong, an international financial hub and once a beacon of free media, is now in the grip of a rapid decline in press freedom that threatens the city's status as a global financial information center.

Three journalists told CPJ that investigative reporting on major economic events, a cornerstone of Hong Kong's financial transparency, has nearly disappeared amid government pressure and the departure of major outlets.

The sharp decline in press freedom, the journalists said, is a direct result of the [National Security Law](#). This law, [enacted](#) on June 30, 2020, was imposed directly by Beijing, [bypassing Hong Kong's local legislature](#), and included offenses for secession, subversion, terrorist activities, and collusion with foreign forces, with penalties ranging from a three years to life imprisonment.

In the five years since it was enacted, authorities have shut down media outlets and arrested several journalists, including [Jimmy Lai](#), the founder of one of Hong Kong's largest newspapers, the pro-democracy Apple Daily. Several major international news organizations have either relocated or downsized their operations in Hong Kong, leading to a decline in reporting on the city and its financial hub.

“Hong Kong’s economic boom happened because journalists could work without interference,” said a veteran reporter with 11 years’ experience in television, newspapers, and digital platforms in Hong Kong, who spoke to CPJ on condition of anonymity due to security concerns.

While markets still function, at least three media professionals told CPJ that the erosion of press freedom — often overlooked — is a key factor behind Hong Kong’s [fading financial appeal](#) to market participants. One reporter described the media as “paralyzed.”

Another hastily passed security law [enacted](#) in March 2024 in Hong Kong further deepened fears that it would be used to suppress press freedom and prosecute journalists.



Jimmy Lai walks through the Stanley prison in Hong Kong in 2023. (Photo: AP/Louise Delmotte)

“There has never been an international financial center in history that operates with restrictions on information,” Simon Lee, an economic commentator and former assistant CEO of Next Digital Group, the parent company of Apple Daily, told CPJ.

Hong Kong long served as a base for reporting on China’s economy and power structures, said a former financial journalist on the condition of anonymity, citing safety concerns.

“Most Hong Kong-listed companies come from the mainland [China]. Foreign media used Hong Kong to observe China’s economic operations or wealth transfers,” the former financial journalist told CPJ. “Now the risks feel similar to reporting from inside China.”

Crackdowns, shutdowns, and an exodus of major media

Since the introduction of the National Security Law in 2020, at least [eight](#) media outlets have shut. These included [Apple Daily](#), news and lifestyle magazine Next Magazine, both published by Lai’s Next

Digital group, and the online outlet [Stand News](#), after they were raided by authorities.

At least four other media organizations — [Post852](#), [DB channel](#), [Citizen News](#), and [FactWire](#) — ceased operations voluntarily, citing concerns over the deteriorating political environment.

Reporting was also criminalized in several cases, with journalists prosecuted for “[inciting subversion](#)” or “[colluding with foreign forces](#).”

China had the world’s [highest number](#) of imprisoned journalists in CPJ’s latest prison census — 50 in total, including eight in Hong Kong.

The New York Times [moved](#) part of its newsroom to Seoul in 2020. In March 2024, Radio Free Asia [closed](#) its Hong Kong office, and in May, The Wall Street Journal [relocated](#) its Asia headquarters to Singapore.

“With fewer foreign correspondents based in the city, there’s simply less reporting on Hong Kong,” the former financial journalist told CPJ. “As a result, the city’s economy may receive less objective attention on the global stage.”

The former financial journalist said that one of the biggest losses after the security law was the disappearance of [Apple Daily](#). Unlike most local media, which focused on routine market updates, Apple Daily connected business to politics and mapped interest networks — an increasingly rare practice.



Copies of the last issue of Apple Daily arrive at a newspaper booth in Hong Kong on June 24, 2021. (Photo: AP/Vincent Yu)

Next Digital, through Apple Daily, built a reputation for investigative financial reporting. A former staff member [told](#) the BBC that the company once spent over 100,000 yuan (US\$14,000) tracing dozens of property owners to uncover a developer’s hidden ties with a bank.

“From a financial news perspective, one of our biggest problems is losing Apple Daily,” the former financial journalist told CPJ.

Local business reporting also fades away

As Hong Kong’s financial hub reputation comes under question, stories on high unemployment rates, struggling small businesses, and store closures are increasingly out of sight.

“One direct effect is feeling increasingly unable to grasp what’s happening in the city; important information no longer seems easy to access,” Lee said. “Previously, competition among professional outlets encouraged source sharing and helped maintain a power balance. Now, one-way government-controlled information faces little resistance.”

Lee told CPJ that changes in Hong Kong’s media landscape are particularly evident in major financial events, pointing to the coverage of the 2024 sale of Li Ka-shing’s [port assets](#), in which local outlets failed to question the [deal’s](#) structure, rationale, or political implications.

“Beijing called it a national security matter, and the other side of the story disappeared,” Lee told CPJ. “Many focus on the judicial system when discussing fairness, but true fairness also depends on the free flow of information … Without information freedom, public oversight fades, and the market’s system of checks and balances collapses.”

Lee also cited the case of Alvin Chau, a casino tycoon in Macao who was sentenced in 2023 to 18 years for illegal gambling. While foreign media [uncovered](#) his [alleged links](#) to oil smuggling operations to North Korea, local media offered little follow-up.

“These investigations and reports simply no longer exist,” Lee said.

Sources can’t speak freely

Two journalists told CPJ they have noticed increasing reluctance from interviewees.

During previous years of the Annual Budget Speech, Hong Kong’s yearly announcement of its public spending and economic plans, the media would host analysis shows with economists debating government spending and policies.

“We would ask about the fiscal surplus, support for the poor, and whether measures were targeted,” the veteran reporter told CPJ, adding that now, “only one professor is willing to speak openly.”

Lee told CPJ that the atmosphere of “not being allowed to criticize” the broader structure or government policy has also extended to the reporting on how financial markets operate.

Market participants should be free to take either optimistic or pessimistic views of the economic outlook, Lee told CPJ, adding that today in Hong Kong, it is discouraged to express pessimism, and even silently shifting toward defensive investment strategies or risk-averse behavior may be interpreted as making a political statement.

“It’s hard for any place with such high information costs to remain a global financial hub,” Lee said. “Because even pulling back on investment can send a signal. If investors are accused of intentionally dragging down the market just because they try to hedge or take a cautious view, they may decide it’s safer to avoid the market altogether.”

In response to CPJ’s request for comment, a Hong Kong government spokesperson referred CPJ to a [statement](#) that said the security law has enabled the city to “make a major transition from chaos to

order" and "the business environment has continuously improved," while press freedom is protected under the law.

