

116TH CONGRESS
2D SESSION

H. RES. 1033

Condemning acts by the People’s Republic of China and the Government of the Hong Kong Special Administrative Region that violate fundamental rights and freedoms of Hong Kong residents as well as acts that undermine Hong Kong’s high degree of autonomy.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2020

Mr. ENGEL (for himself, Mr. McCAUL, Mr. MCGOVERN, Mr. BERA, Mr. YOHO, and Mr. MALINOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Condemning acts by the People’s Republic of China and the Government of the Hong Kong Special Administrative Region that violate fundamental rights and freedoms of Hong Kong residents as well as acts that undermine Hong Kong’s high degree of autonomy.

Whereas the Government of the People’s Republic of China is legally bound to guarantee the civil liberties of the people of Hong Kong through 2047 under the Basic Law and the “Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong” (hereafter the “Joint Declaration”), in which the People’s Republic of China com-

mitted that for 50 years, the “social and economic systems in Hong Kong will remain unchanged, and so will the life-style.”;

Whereas Article 39 of the Basic Law of Hong Kong mandates that: “The provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and international labour conventions as applied to Hong Kong shall remain in force and shall be implemented through the laws of the Hong Kong Special Administrative Region.”;

Whereas Chapter III of the Basic Law of Hong Kong guarantees Hong Kong residents other specific rights and freedoms, including—

- (1) freedom of speech, of the press, and of publication;
- (2) freedom of association, of assembly, of procession, and of demonstration;
- (3) the right and freedom to form and join trade unions and to strike;
- (4) freedom from arbitrary or unlawful arrest, detention, or imprisonment;
- (5) freedom from arbitrary or unlawful search of, or intrusion into, a Hong Kong resident’s home or other premises;
- (6) freedom and privacy of communication;
- (7) freedom of movement within the Hong Kong Special Administrative Region;
- (8) freedom of emigration to other countries and regions;
- (9) freedom of conscience; and

(10) the right to institute legal proceedings in the courts against the acts of the executive authorities and their personnel;

Whereas the Standing Committee of the National People's Congress of the People's Republic of China has inserted a national security law directly into Annex III of the Basic Law of Hong Kong, and said national security law is purportedly intended to prevent and punish acts of "separating the country, subverting state power, and organizing terroristic activities";

Whereas said action is a flagrant violation of Hong Kong's autonomy and rule of law in that Article 18 of the Basic Law provides that laws included in Annex III are "confined to those relating to defense and foreign affairs as well as other matters outside the limits of the autonomy of the Region as specified by this Law";

Whereas Article 23 further specifies that "[Hong Kong] shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government";

Whereas through a similar abuse of Annex III of the Basic Law of Hong Kong, the Government of the People's Republic of China caused the adoption of the National Anthem Law in Hong Kong, which curtails the freedom of speech and carries a maximum sentence of 3 years, mirroring the extent of sentence under the People's Republic of China Criminal Law;

Whereas the Chinese Government's repeated and heavy-handed actions to undermine the rule of law in Hong Kong and Hong Kong's high degree of autonomy will only further escalate the ongoing protests, jeopardizing Hong

Kong's future as an open and prosperous international city; and

Whereas the imposition of this national security legislation, which undermines the established rights and freedoms of Hong Kong residents provided in the Joint Declaration and the Basic Law, would constitute a violation of commitments made by the People's Republic of China under international law: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) underscores that democratic societies
3 around the world stand in solidarity with the people
4 of Hong Kong, who face grave threats to their invio-
5 lable rights and freedoms;

6 (2) condemns the action by the People's Repub-
7 lic of China's National People's Congress to advance
8 national security legislation for Hong Kong through
9 irregular procedures, which would constitute a viola-
10 tion of the letter and spirit of the Basic Law and
11 the Joint Declaration;

12 (3) asserts that such actions by the People's
13 Republic of China undermine the credibility of the
14 People's Republic of China within the international
15 community, including the People's Republic of Chi-
16 na's credibility in honoring its commitments to inter-
17 national agreements and respecting internationally
18 recognized human rights;

1 (4) urges the People’s Republic of China and
2 the Hong Kong Government to refrain from imple-
3 mentation of this law or taking any action that
4 abridges or curtails, in whole or in part, the rights
5 of Hong Kong residents as established by the Joint
6 Declaration and Basic Law; and

7 (5) advises the President, the Secretary of
8 State, and the Secretary of the Treasury to coordi-
9 nate with allies and partners to respond to develop-
10 ments in Hong Kong, including by—

11 (A) appointing a United Nations Special
12 Envoy for Hong Kong;

13 (B) expanding the mandate of the United
14 Nations Special Rapporteur to improve moni-
15 toring and reporting on People’s Republic of
16 China’s policies in Hong Kong;

17 (C) providing Hong Kong residents who
18 face well-founded fears of persecution an oppor-
19 tunity to emigrate from, or not be compelled to
20 return to, Hong Kong;

21 (D) introducing other measures to urge the
22 People’s Republic of China to refrain from pro-
23 mulgating national security legislation in Hong
24 Kong which contravenes the Joint Declaration
25 and the Basic Law; and

1 (E) establishing other measures, including
2 economic sanctions, to hold the People's Repub-
3 lic of China accountable for contravention of
4 international law and human rights norms with
5 respect to Hong Kong.

○