

## FACT SHEET:

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# HONG KONG HUMAN RIGHTS AND DEMOCRACY ACT of 2019

**Background:** The Hong Kong Policy Act of 1992 (PL 102-383) governs United States' relations with the Hong Kong Special Administrative Region (HKSAR, or Hong Kong). The Act commits the United States to treating Hong Kong as separate from the rest of China in a variety of political, economic, trade, and other areas so long as Hong Kong remains "sufficiently autonomous," as prescribed by the 1984 Sino-British Joint Declaration.

The Joint Declaration enshrined China's recognition of Hong Kong's special status, which allows Hong Kong a "high degree of autonomy," and guarantees that democracy, the rule of law, and basic human rights will be maintained under the "one country, two systems" model. The treaty itself guarantees rights and freedoms in Hong Kong, "including those of the person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and religious belief."

The Chinese and Hong Kong governments have violated these solemn commitments by eroding Hong Kong's autonomy and the rule of law since the 1997 "Handover" from the British and defying the relevant provisions in the joint declaration upon which the Hong Kong Policy Act was first enacted:

- Beijing's 2014 White Paper dismissed the continued applicability of the Joint Declaration.
- Beijing's refusal in 2014-2015 to offer long-promised democratic reforms.
- Select opposition candidates were barred from running in elections, six elected legislators were disqualified, and a political party was banned.
- The abduction and forced confessions of booksellers and further degradation of press freedom.
- Pro-democracy protesters face incredibly harsh sentences.
- A proposed extradition law that would have made anyone living in or transiting Hong Kong vulnerable to China's highly-politicized criminal justice system – notorious for human rights abuses.

## The Hong Kong Human Rights and Democracy Act of 2019

provides needed updates to the Hong Kong Policy Act and addresses escalating threats to the people of Hong Kong, the city's trade and finance structure, and the adverse effects to the US business community – including the 85,000 Americans based in Hong Kong. The Act gives the United States government the following additional tools, beyond simply reporting on Hong Kong's special status or revoking it:

- Requiring annual recertification by the Secretary of State of Hong Kong's autonomy,
- Requiring the Commerce, Treasury, and State Department to report on whether the government of Hong Kong is adequately enforcing American export laws regarding sensitive dual-use items and US and UN sanctions,
- Imposing targeted sanction on individuals responsible for suppressing human rights in Hong Kong and banning travel to the United States by those responsible for violations of human rights and other commitments related to Hong Kong,
- Prohibiting United States visa denials for Hong Kongers on the grounds of conviction of offenses related to the demonstrations.



*HKDC is a Washington, DC-based nonpartisan, nonprofit organization dedicated to preserving Hong Kong's basic freedoms, the rule of law, and autonomy as promised under the "one country two systems" model and enshrined in the Basic Law and the Sino-British Joint Declaration.*

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