

## July 1, 2003: Hong Kong: Protect its Freedom

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WASHINGTON - This week marks the sixth anniversary of Hong Kong's handover to Chinese rule. Hong Kong and Chinese leaders who will celebrate this occasion in Hong Kong will be joined by tens of thousands of people who are concerned about the proposed legislation to implement Article 23 of the constitution. The freedoms of the citizens of Hong Kong should not be eroded by implementing new repressive legislation. "Hong Kong has been the beacon of freedom and prosperity in the Asia-Pacific region for many decades. Let us keep the light on for future generations," said Commission Chair Felice D. Gaer. The U.S. Commission on International Religious Freedom (USCIRF) joins the White House, the Congress, and many others in calling for the Hong Kong government to halt the implementation of Article 23 of its constitution, the Basic Law. The Commission commends the White House and the State Department for their statements opposing the implementation of Article 23, the U.S. House of Representatives for passing House Resolution 277, and welcomes the introduction in the Senate of Joint Resolution 14, both of which urge the governments of the Hong Kong Special Administrative Region and the People's Republic of China to withdraw the proposed implementation of Article 23. The Basic Law stipulates that the concept of "one country, two systems" would apply to the Hong Kong Special Administrative Region for 50 years after it became a Chinese territory in 1997. According to this concept, Hong Kong would enjoy autonomy in legislative, executive, and judicial matters vis-à-vis the government of the People's Republic of China. The implementation of Article 23, however, would undermine that autonomy by forcing Hong Kong laws to gradually conform to those on Mainland China, where the legal system has permitted the casual and systematic misuse of concerns regarding "national security" to suppress political dissent and religious activities. The implementation of Article 23 not only contravenes international understandings regarding the principle of "one country, two systems," but also signals a regression in Hong Kong's overall political development and respect for human rights. Article 23 of the Basic Law would threaten the human rights, including religious freedom, of all residents of Hong Kong. It stipulates that the Hong Kong government shall enact laws to prohibit "any act of treason, secession, sedition, or subversion against" the Chinese government, the "theft of state secrets," the operation of "foreign political organizations" in Hong Kong, and the establishment of ties between Hong Kong political organizations and foreign political organizations. To this end, the Hong Kong government has introduced a national security bill, which could be enacted by Hong Kong's Legislative Council on July 9. Particularly troublesome is the draft bill's provision that would allow the Hong Kong government to bar or close down organizations that are banned by the Chinese government on national security grounds. This would have serious negative implications for religious organizations like the Catholic Church, other Christian communities, and others such as the Falun Gong, that the government has labeled "evil cults." Falun Gong practitioners, particularly those who reside outside China, have been accused by Chinese national security agents of acting as foreign agents. Hong Kong officials have argued that many democratic societies around the world also have anti-subversion laws similar to the one that was proposed by the Hong Kong government. However, the Commission notes that in many of those societies, there are effective legislative and judicial institutions that protect the rights of their citizens as the laws are implemented. The Commission further notes that a majority of the current Hong Kong Legislative Council members were not elected by universal suffrage. The implementation of Article 23 should not precede the establishment of a legislature by the universal consent of the Hong Kong people.

Felice D. Gaer, Chair

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