

[ADRN Issue Briefing]

## Beyond the National-Security Veil: Transnational Repression, Legal Entrenchment, and Strategies for Hong Kong’s Democratic Movement

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Five years after Beijing imposed the National Security Law (NSL) on Hong Kong, the city’s promised “high degree of autonomy” has been largely dismantled. The year 2025 has witnessed two mutually reinforcing developments that tighten the state’s grip while extending its reach overseas: (1) the escalation of transnational repression through the punitive targeting of exiled activists’ families, and (2) the institutional embedding of mainland jurisdiction inside Hong Kong’s legal order via new subsidiary legislation to the Safeguarding National Security Ordinance (SNSO). Taken together with the earlier evisceration of electoral competition, these moves complete Hong Kong’s transition from a constrained hybrid regime to an openly authoritarian model governed from Beijing.

This briefing traces the recent changes, analyzes their implications for civil liberties and international human-rights norms, and considers the strategic options that remain for Hong Kong’s democracy movement—both inside the territory and across its rapidly expanding diaspora.

### Transnational Repression: The Kwok Case and Beyond

The Hong Kong government’s recent tactics targeting the families of exiled pro-democracy figures reveal a deepening pattern of transnational repression. These actions aim to silence dissent that has moved beyond Hong Kong’s borders by subjecting family members to legal harassment and public intimidation.

A prominent example is Anna Kwok, Executive Director of the Washington-based Hong Kong Democracy Council. In July 2023, the Hong Kong authorities issued an arrest warrant for Kwok along with a bounty of one million Hong Kong Dollars (equivalent to 128 thousand USD), alleging violations of the National Security Law (NSL). Although her parents were interrogated by national security police at the time, no formal charges were initially laid.

In April 2025, however, the situation escalated significantly. Her father, Kwok Yin-sang, was arrested and charged under the SNSO, accused of handling her financial matters. Her brother was also detained, though released on bail. This incident marks the first documented instance of family members of exiled activists being prosecuted under Hong Kong’s national security regime (Lam and Chow 2025).

This practice is not isolated. Other prominent exiled activists—including Frances Hui (Lee 2025) and Simon Cheng—have reported similar forms of retaliation. Hui’s parents were reportedly detained and subjected to public humiliation, while Cheng’s relatives were detained for further

interrogation. These actions aim to cultivate a climate of fear and isolation among overseas dissidents, thereby implicitly pressuring them to abandon their advocacy work.

International human rights groups have condemned these practices as forms of collective punishment, (Schenkkan and Linzer 2021) which violate the International Covenant on Civil and Political Rights and other human rights norms. Targeting individuals for the actions of their relatives undermines the rule of law and represents a broader erosion of global human rights protections.

### **Expansion of Mainland Jurisdiction and the Legalization of Article 55**

The legal infrastructure enabling this repression has also been strengthened. In May 2025, subsidiary legislation under the SNSO significantly expanded the powers of the Office for Safeguarding National Security (OSNS)—a Beijing-controlled body operating in Hong Kong.

The new legislation operationalizes Article 55 of the 2020 National Security Law, which permits the transfer of national security cases from Hong Kong to mainland Chinese jurisdiction. While previously considered a theoretical clause, it has now been institutionalized through domestic legal mechanisms, granting the OSNS the power to compel cooperation from individuals and organizations. Non-compliance with these regulations has been criminalized, carrying penalties of up to seven years in prison and substantial fines (*Hong Kong Free Press* 2025-05-13).

Furthermore, the legislation criminalizes the disclosure of any information related to OSNS investigations. Lawyers, journalists, and civil society members are now prohibited from revealing whether a case involves Article 55, thus blocking public oversight and transparency.

These measures mark a stark shift from Hong Kong's common law tradition toward a model resembling mainland Chinese administrative law, prioritizing state control over due process. The legislation undermines constitutional protections enshrined in the Basic Law and the International Covenant on Civil and Political Rights, particularly regarding freedom of expression, judicial independence, and legal transparency.

Most importantly, this legal shift represents a fundamental dismantling of the "One Country, Two Systems" framework, thereby embedding mainland legal authority into Hong Kong's domestic institutions and effectively stripping the city of its judicial autonomy.

### **Options for Hong Kong's Democratic Movement**

Parallel to the legal erosion is the disintegration of Hong Kong's institutional pro-democracy forces. The disbandment of major democratic parties, including the Democratic Party, reflects a deliberate endeavor to dismantle semi-democratic opposition within the political system. This collapse was catalyzed by the 2021 electoral overhaul, orchestrated by Beijing and enforced by the Hong Kong government. The overhaul includes the drastic reduction of the number of directly elected seats in the Legislative Council, introduction of a new vetting process administered by a pro-government committee, and the screening of election candidates to quell all pro-democracy voices. As a result, nearly all pro-democracy candidates have been barred from elections. The remaining figures have either resigned or been disqualified, leaving the Legislative Council devoid of meaningful opposition. The legislature has now become a rubber-stamp body, with policies passed with near-unanimous consent and minimal public consultation. This transformation marks the end of electoral pluralism,

rendering elections merely ceremonial and removing any platform for dissent or policy debate. Under this circumstance, both domestic and international strategy are required to sustain Hong Kong's democratic movement.

### **Domestic Paths Forward: Quiet Resistance and Civic Resilience**

In the face of shrinking civic space and the collapse of formal democratic institutions, it is crucial to persist in the cultivation of non-political civic networks rooted in mutual support, trust, and shared values. These grassroots connections—whether formed through community service, cultural activities, mutual aid, or neighborhood initiatives—can serve as the social fabric that sustains resistance in quiet yet powerful ways. Even without overt political goals, such networks help preserve a sense of solidarity and belonging among those who resist authoritarian control.

Equally important is the continued commitment to citizen journalism. In a context characterized by mounting pressures from censorship and self-censorship in mainstream media, individuals must assume the responsibility of documenting and reporting injustice. By recording incidents of abuse, collecting testimonies, and sharing verified information, citizen journalists help ensure that the truth is not erased. This act of bearing witness functions not only as a form of resistance, but also as an essential means of upholding the principle of a free press, even under repression.

Lastly, it is imperative to recognize the impact of small acts of solidarity with human rights defenders. These actions, such as attending court hearings to show moral support, waving at prison transport vehicles, or writing letters to political prisoners, are imbued with profound symbolic significance. They affirm the dignity of those targeted for their beliefs and remind them—and the world—that they are not forgotten. In times of isolation and fear, such actions provide a sense of optimism, maintain visibility, and resist the state's attempt to silence and erase dissent.

Collectively, these practices form a quiet but resilient form of resistance, sustaining the values of freedom, truth, and compassion within our communities.

### **International Engagement and Diaspora Institution-Building**

As Hong Kong's local civic space collapses under the weight of intensified repression and institutional hollowing, international arenas have become increasingly central to the pro-democracy movement's survival and strategic orientation. For those in exile and for allies around the world, international engagement is not merely a defensive necessity but a proactive opportunity to reshape global understanding, influence democratic discourse, and lay the foundation for long-term resistance. Effective advocacy in this new era involves building narrative, political, and institutional power—each essential to sustaining Hong Kong's democratic movement beyond its territorial boundaries.

A primary and urgent objective is to challenge the narrative crafted by Hong Kong authorities—that the city has stabilized and “returned to normal” under the National Security Law, and that any residual dissent is dangerous subversion. This storyline aims to reassure the international community, attract investment, and normalize repression. In response, pro-democracy advocates must sustain a campaign of narrative resistance. By sharing verified facts, first-hand accounts, and media commentaries, activists can expose the persistent repression. The aim is not just to correct misinformation but to maintain the visibility and moral urgency of Hong Kong's democratic struggle.

The concept of “normalcy” built on fear and silencing is neither real nor acceptable—and global indifference is a form of complicity.

Beyond the realm of media engagement, there is a growing need to build strategic relationships with civic, academic, and political institutions in host countries. These relationships provide a platform for Hongkongers in exile to contextualize their experiences within broader patterns of democratic backsliding and authoritarian resurgence. Participation in public forums, policy consultations, university lectures, and community events is a means through which exiled Hongkongers can share insights into the gradual and legal loss of freedoms. These losses occur through regulatory changes, electoral manipulation, and the hollowing out of institutions. These engagements allow for the transfer of hard-earned knowledge to democratic societies that may face similar vulnerabilities. They also serve as a cautionary signal, underscoring that the dismantling of civil liberties rarely begins with spectacle; rather, it begins quietly, often with legislation clothed in the language of stability and national interest.

Equally important is the development of independent institutions rooted within the Hong Kong diaspora itself (Klinenberg 2018). These institutions must evolve beyond mere advocacy platforms to become durable ecosystems for knowledge production, cultural preservation, political education, and mutual support. Think tanks dedicated to human rights and democracy in Asia, advocacy organizations that monitor transnational repression, and cultural centers that preserve Hong Kong’s historical memory all play a role in resisting erasure. By fostering leadership, creating spaces for civic participation, and maintaining intellectual and cultural continuity, these organizations serve as alternative public spheres. Consequently, these organizations furnish Hongkongers in exile not just with the instruments of political action, but also with the affirmation of identity and community needed for long-term engagement.

Moreover, international engagement must be understood not solely as a request for external support, but as a manifestation of global democratic partnership. The Hong Kong movement offers valuable insights, drawing from its experience with authoritarian encroachment through legal and institutional means, to its models of decentralized organizing and civil resistance. Exiles can and should position themselves not as passive recipients of solidarity, but as active contributors to a global democratic ecosystem. By sharing their insights and forming alliances with like-minded movements, Hongkongers help build transnational resilience against the authoritarian playbook that is being deployed, in varying forms, around the world.

Finally, this work is about shaping the future. The institutions, alliances, and narratives built today lay the groundwork for the eventual restoration of democracy in Hong Kong. While that day may remain distant, the struggle does not pause in exile—it transforms. Diaspora activism functions as a repository of democratic values, a guardian of memory, and a generator of future possibilities. Through patient and strategic international engagement, the Hong Kong movement can maintain its moral clarity, expand its global influence, and ensure that the vision of a free and democratic Hong Kong remains alive—not as a nostalgic ideal, but as an enduring and actionable goal. ■

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