

THE PRC'S UNIVERSAL PERIODIC REVIEW AND  
THE REAL STATE OF HUMAN RIGHTS  
IN CHINA

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HEARING  
BEFORE THE  
CONGRESSIONAL-EXECUTIVE  
COMMISSION ON CHINA  
ONE HUNDRED EIGHTEENTH CONGRESS  
SECOND SESSION

FEBRUARY 1, 2024

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# **THE PRC'S UNIVERSAL PERIODIC REVIEW AND THE REAL STATE OF HUMAN RIGHTS IN CHINA**

**THURSDAY, FEBRUARY 1, 2024**

CONGRESSIONAL-EXECUTIVE  
COMMISSION ON CHINA,  
*Washington, DC.*

The hearing was held from 10:18 a.m. to 12:24 p.m., in Room 2360, Rayburn House Office Building, Representative Chris Smith, Chair, Congressional-Executive Commission on China, presiding.

Also present: Senator Jeff Merkley, Co-chair, and Representatives Zinke, Steel, Salinas, and Nunn.

## **STATEMENT OF HON. CHRIS SMITH, A REPRESENTATIVE FROM NEW JERSEY; CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Chair SMITH. This hearing will come to order. And welcome to everybody. The distinguished Senator Merkley, who's the co-chair of our Commission—and I will both give opening comments, and Ms. Salinas might want to give opening remarks as well. Jennifer Wexton will do it remotely, I believe, and some of the other members might be coming.

Thank you for being here. We're a little late starting. We had a vote on the floor and there were some disturbances outside the building that caused some of us to get there even later than we wanted to. Today's hearing, "The PRC's Universal Periodic Review and the Real State of Human Rights in China," will come to order. Last week at the Universal Periodic Review of the People's Republic of China at the United Nations, the Chinese Communist Party thought that it could drown out the truth of its shameful human rights record, enlisting its allies to offer pampering praise instead of probing questions, while giving a platform to party-controlled civil society groups over independent nongovernmental organizations, something that is covered in a stand-alone special CECC report that was released just yesterday. I invite you to take a copy and read it. Our staff did a wonderful job in putting this together. I commend it to you.

But even Xi Jinping, the Chinese Communist Party, and the PRC's massive 60-person delegation could not make a lie true. It is indeed a bald-faced lie that the Chinese Communist Party respects, honors, or abides by international human rights norms. The truth is that Xi Jinping intends to rewrite and reshape these norms to manipulate even international bodies dedicated to pro-

tecting human rights, to serve his agenda. The truth on stark display at last week's UPR is that Xi Jinping and the Chinese Communist Party constitute a systemic challenge to the international rules-based order and reject the very concept of universal human rights. In its sham submission to the Universal Periodic Review, the PRC claims that it protects freedom of religion and freedom of expression, and looks out for workers' rights, women, and ethnic minorities, all who are vulnerable. And they assert just the opposite. It's an Orwellian view of the world, and hopefully people will not accept it, even the most gullible.

In reality Xi Jinping poses an existential threat to these and other rights essential for human flourishing. He tells journalists that they must be so loyal to the Chinese Communist party that "party" becomes their last name. He tells leaders of religions whose roots in China date back to the middle of the first millennium that they must sinicize, which means putting allegiance to the party and to Xi himself before their faith and their God. He claims that women's equality is a state policy while the Chinese Communist Party decides how many children a woman should have. And, of course, the infamous one-child-per-couple policy has led to massive numbers of sex-selection abortions directed at girls, and they're missing tens of millions of girls particularly—because of this policy.

Of course, there's still the terrible reality in Uyghur and ethnic minority communities, even as restrictions have been eased on Han women, of blatantly eugenic policies. So they're using it as a terrible tool—a repressive tool of genocide.

Despite Xi's best efforts, China has not succeeded in silencing those courageous men and women who insist on telling the truth about the real state of human rights in China, often at great cost to themselves; some have paid with their very lives. Today we will hear from some of those courageous men and women. Rana Siu Inboden has devoted her distinguished academic and professional career to exposing the PRC's insidious attempts to undermine human rights in international organizations. Ben Rogers has been a passionate and effective advocate for religious freedom in China and for democracy and human rights in Hong Kong, for which he has been denied entry to Hong Kong, threatened with prison, and repeatedly harassed. I know I read his reports all the time. He is a truth teller and has made such a difference in making sure everyone who has ears knows the truth of what they're doing, in Hong Kong especially.

Emile Dirks has conducted groundbreaking research exposing China's totalitarian surveillance and censorship regimes, documenting the PRC's use of dystopian technology to target ethnic and religious groups for biometric monitoring and data collection, and scrubbing China's internet to create alternative realities.

We are particularly honored to have with us today two women who have taken extraordinary risks for the cause of human rights, fighting on behalf of their family members who are imprisoned by the CCP—Rushan Abbas, a powerful advocate for the Uyghur people, whose sister was abducted by the Chinese government in retaliation for Rushan's activism, and Sophie Luo, wife of imprisoned rights defender Ding Jiayi, who is herself a dedicated advocate for

victims and their families, all while working by day as an accomplished engineer.

Ms. Luo, it is my privilege to share with you that the CECC has nominated your husband for the Nobel Peace Prize for his tremendous service to the dream of a democratic China. We've also nominated his ally and close collaborator, Xu Zhiyong, and democracy campaigner and free speech champion Jimmy Lai. I would remind everyone that we in this Commission had the privilege and honor of hearing his son Sebastien give very passionate, strong, and principled testimony on behalf of his dad and all the others. We're very thankful for that.

Today I am keenly aware of those who are not here, whose voices can no longer be heard—especially the voice of Cao Shunli, who died in 2014 at the hands of the Chinese Communist Party precisely because of her work to amplify the voices of independent civil society as part of China's Universal Periodic Review—the very process we're here to talk about. She was taken into custody on her way to Geneva in 2013, where she was to participate in a training on human rights for the UPR. The Chinese Communist Party cruelly objected to even a moment of silence for her at the U.N. Human Rights Council per the hearing I held on the Commission after her death. She is exactly the type of person the Chinese government should embrace, not jail, discredit, and leave to die.

She is not here, but her voice is not silent. She speaks along with Liu Xiaobo, who also died in PRC custody and who wrote from jail—of their hopes for a democratic China. They made enormous sacrifices to tell the truth about the real state of human rights in China because they believed in and fought for a better China. And someday, when China is free and democratic, these will be the heroes that everybody in a free China will honor and revere. There are many, but it's just amazing how many people have sacrificed so much. I urge my colleagues and all those joining us today to insist that the United Nations and its member states demand the truth about the PRC's human rights violations and hold Xi Jinping—a man who's committing genocide as we meet—and demand the truth about his record, and to hold them to account.

With that, I'd like to yield to my very good friend and colleague, co-chair of our Commission, Senator Merkley.

**STATEMENT OF HON. JEFF MERKLEY, A SENATOR FROM OREGON; CO-CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Co-chair MERKLEY. Thank you so much, Chairman Smith, for convening this particular hearing. The topic's appropriate for our first period in 2024, because it covers a spectrum of human rights challenges in China. Both this Commission and the Universal Periodic Review serve as mechanisms to review China's compliance with international human rights standards, in their own ways. The review of China, the fourth since the creation of the UPR process, gives us an opportunity to assess its outcomes and help us prioritize our work, while it informs the recommendations we make to Congress and the administration.

Members of the Commission will find the issues raised at the UPR very familiar. We have documented in our annual reports and

explored in our hearings genocide against Uyghurs, the decimation of freedom in Hong Kong, colonial boarding schools of Tibet, and China's pervasive surveillance state, among other brutal behavior. These are facts—facts this Commission has reported, facts that member states raised in their UPR questions, facts submitted by the U.N. and the stakeholder nongovernmental groups to the review session. The Chinese government is obligated by international law to address these matters and put itself in compliance with the law.

I look forward to hearing from our witnesses about how these issues were discussed in Geneva and recommendations on next steps in terms of holding the Chinese government accountable for its numerous violations of law. We also hope to hear about the methods the Chinese government employs to avoid facing these facts. As one NGO put it, the Chinese Communist Party “gaslights” the world on its record by self-servingly redefining concepts and recruiting allies to deflect attention away from its actual conduct; and that conduct is, in fact, atrocious.

I commend the attention of commissioners and the public to our new staff report, which hopefully you all have copies of or will soon get, on the prevalence of PRC-sympathetic groups at the UPR, and how they distort the process. My appreciation to our staff for working so hard to put this excellent piece together. The UPR remains a valuable platform for the international community to assess the human rights record of China and of every country, including our own.

It's far from perfect, and we will hear criticism of the process and how the PRC manipulates it. But we must also take care not to let such criticism erode support for the U.N. system. Its treaty bodies and instruments are the places where international human rights law is defined. It's where it's adjudicated. These universal standards are those that this Commission is mandated to assess the PRC's conduct against. Let us not undermine that work.

Last, let us remember our most essential role, to help give voice to those who cannot freely express themselves, who languish unjustly in jail, who suffer repression. Earlier this month I joined Senators Rubio, Kaine, and Blackburn on a letter asking the State Department to raise specific names of political prisoners at the UPR of China. Chairman Smith and Commissioner Wexton led a similar letter on the House side, and thank you so much for doing so. I hope our witnesses will update us on cases of concern.

I also note that the Chair and I have nominated our witness's husband, Ms. Luo's husband, as well as Jimmy Lai, Xu Zhiyong, and Ilham Tohti for the Nobel Peace Prize. And thank you, Chairman, for mentioning that as well because it's another way that we seek to shine a light on prisoners of conscience. Thank you to our witnesses for joining us today, bringing your expertise to bear—your courageous expertise. I look forward to your testimony and insight.

Chair SMITH. Thank you very much, Chairman Merkley.  
I'd now like to yield to Commissioner Salinas.

**STATEMENT OF HON. ANDREA SALINAS,  
A REPRESENTATIVE FROM OREGON**

Representative SALINAS. Thank you to our co-chairs, Representative Smith and Senator Merkley, for holding this important hearing, and thank you to our witnesses for taking the time to be with us today. Recently, this Commission looked at China's human rights violations on the high seas and deep in the cobalt mines of the Democratic Republic of Congo, but this is an opportunity to align our work with that of the United Nations to peek behind the curtain and evaluate China's human rights abuse domestically.

With that, I must also thank Ambassador Michèle Taylor, the U.S. Permanent Representative to the United Nations High Human Rights Council, for questioning China on their surveillance and harassment of citizens in the Xinjiang region and Hong Kong, as well as their mistreatment of Tibetans. In her allotted 45 seconds during the U.N. Universal Periodic Review of China, she also managed to question China on forced assimilation activities, forced labor, family separation, and sterilization in Xinjiang, and their repressive laws against other marginalized groups in China.

Fortunately for this Commission and our esteemed witnesses who have taken the time to be with us today, we have more than 45 seconds to evaluate China's human rights record. I look forward to robust discussion from my colleagues and our witnesses today. So thank you.

Chair SMITH. Thank you very much.

We are joined by Commissioner Michelle Steel, remotely. She'll be getting on right now, I hope.

**STATEMENT OF HON. MICHELLE STEEL,  
A REPRESENTATIVE FROM CALIFORNIA**

Representative STEEL. Thank you, Mr. Chairman, for having this important meeting. I'm so grateful for that. From the mining of critical minerals to manufacturing, the human rights abuses happening at the hands of the CCP should horrify every one of us. We have to let the whole world know. That's what this Commission has been doing. I'm so grateful to the members and all the witnesses coming out, with their courage. These abuses are happening all over the world, including Vietnam. I have a big Vietnamese constituency, and I've been hearing from them all the time saying, what's going on with that country?

I'm glad that we're having this meeting to discuss the continued attempts by the CCP to subvert the U.N. human rights system. The U.N. has to work harder than ever on this. In 2021, Congress worked together to pass the Uyghur Forced Labor Prevention Act. I'm glad this Commission continues to review implementation and we are working to shine a light on all CCP human rights abuses.

Thank you to the witnesses for sharing with us your expertise on further congressional oversight and other changes needed to improve on this key issue. Thank you very much.

Chair SMITH. Thank you very much, Commissioner Steel.

One of our commissioners couldn't be here today, but she asked that I read her statement. It's the very distinguished Member of Congress, Jennifer Wexton, who is one of our commissioners. And these are her words.

The latest UPR review marked the fourth time that China's human rights record has been examined at the U.N. Since the first review in 2009, the deterioration of human rights for Chinese citizens in its autonomous regions has been deeply concerning to the world. After Chinese President Xi Jinping came to power in November 2012, all aspects of human rights—from Tibet to the Xinjiang Uyghur Autonomous Region, to Hong Kong, to Chinese civil society—have been in a downward spiral, causing more than 160 countries to address the 2024 hearings in Geneva.

Among them, more than 50 states made targeted and detailed recommendations to Beijing on urgent issues. On January 18th, along with Chair Smith and 12 others, we sent a bipartisan letter to the State Department—the distinguished Co-chair mentioned a moment ago that they did the same on the Senate side—calling on Secretary of State Antony Blinken to raise the ongoing atrocities and human rights violations committed by the People's Republic of China, during the UPR. We highlighted specific cases of imprisoned Uyghurs, persecuted Hong Kongers and Tibetans, and silenced human rights defenders, and condemned the Chinese government's transnational repression of outspoken critics of the regime residing in the United States and in other countries.

I'm glad to see that in the advance questions submitted by the U.S. Government, several individuals mentioned in our letter were highlighted, including Uyghur scholars Ilham Tohti, Rahile Dawut, and retired Uyghur medical doctor Gulshan Abbas, whose sister, Rushan Abbas, is in attendance today. Hong Kong activists Chow Hang-tung and Jimmy Lai, as well as prominent Chinese lawyer Gao Zhisheng, were mentioned as well. Although they represent only a small fraction of all the arbitrarily detained in China, the list will help ensure that Beijing faces scrutiny at the largest international organization.

During the review, dozens of member states zeroed in on issues related to atrocity crimes in the Xinjiang area, including mass arbitrary detention, forced labor, the destruction of—and the marginalization of—cultural heritage, religious persecution, coercive family planning policies, and reprisals against human rights defenders and civil society. Eighteen countries made recommendations related to human rights violations in Hong Kong, while six called for the repeal of Hong Kong's draconian national security law. At the last China UPR in 2018, only six countries mentioned Hong Kong in their statements. It goes without saying that Hong Kong's worsening human rights after 2019 pushed more member states to take action.

The same can be said for Tibet, as China faced an unprecedented challenge to its human rights violations there, with a total of 20 member states making 24 recommendations and 3 mentions at the UPR. Yet the Chinese government continues to deny the scope and scale of violations of human rights documented in U.N. reports, while offering up its anti-human rights approach as a model for other countries. On the same day as the UPR, the Chinese government released a white paper titled "China's Legal Framework and Measures for Counterterrorism," justifying its policies in Xinjiang as anti-terrorism responses.



Beijing argues that “as a victim of terrorism, [our] counter-terrorism efforts have brought security and stability to the region.” In all future engagements, I urge—this is, again, Commissioner Jennifer Wexton—I urge the U.S. Government to hold the Chinese government accountable and ask it to end its ongoing gross human rights violations toward its own people, and respect its human rights obligations through meaningful cooperation with the U.N. system. China has yet to implement key recommendations from U.N. bodies, including the OHCHR’s Xinjiang report and findings by committees on racial discrimination, women’s rights, economic, social, and cultural rights.

China has not accepted the numerous pending requests for visits by U.N. special procedures experts. We need to be firm and consistent in our response as we work in tandem with civil society and the many courageous activists present today, to ensure that China acts responsibly toward its citizens and to the world. Thank you.

I want to thank Commissioner Wexton for an excellent statement that just summarized it all so very well, and for her leadership on this Commission.

I’d now like to recognize our first witness, please.

**STATEMENT OF RANA SIU INBODEN, FELLOW, ROBERT STRAUSS CENTER FOR INTERNATIONAL SECURITY AND LAW, UNIVERSITY OF TEXAS, AUSTIN**

Ms. INBODEN. Distinguished commissioners, it is an honor to be part of today’s hearing. My remarks will focus on the Chinese government’s actions to manipulate the Universal Periodic Review. My written statement expands on other ways the PRC is undermining the U.N. human rights system. I commend it to you.

China’s manipulation of the UPR is occurring in tandem with repression that includes persecution of Uyghurs, a crackdown on dissent in Hong Kong, suppression in Tibet, and an onslaught on human rights defenders. The PRC’s efforts to undermine scrutiny is intended to conceal its violations, including the politically motivated detention of individuals such as Chinese Pastor Wang Yi; Uyghurs Ilham Tohti and Rahile Dawut; Tibetan Yeshe Choedron; human rights defenders Xu Zhiyong, Ding Jiayi, and Gao Zhisheng; and the trial of Jimmy Lai in Hong Kong.

The UPR was intended to ensure that every nation underwent routine scrutiny. It includes a dialog where government representatives make a presentation and where other nations put forward questions and recommendations. It also relies on written documentation submitted by the government, the United Nations, and civil society. The procedure was developed with a vision of vigorous scrutiny, yet the PRC has tried to render it a meaningless exercise and whitewash its violations. One of China’s strategies is soliciting soft comments from other nations in order to flood the proceedings with weak recommendations and perfunctory remarks.

In the lead-up to China’s UPR last week, the PRC mission circulated a letter to other nations encouraging them to make supportive comments. As a result, during China’s UPR 163 nations had signed up to speak, which meant that each country only had 45 seconds to deliver their remarks. Thus, many of the statements merely congratulated the PRC, including mentioning its ability to

lift 100 million people out of poverty and reach U.N. Sustainable Development Goals ahead of schedule, without mentioning the use of torture, arbitrary detention, and forced disappearance. In exchange, Beijing makes similar statements for other governments, such as Belarus, stating that “it supported the achievements of Belarus in protecting human rights and its efforts to maintain its independence and sovereignty.”

China also appeals to Global South solidarity to protect itself, framing scrutiny of its record as unfair treatment of developing countries. As part of this effort, China is fueling a grievance culture in the Council and sowing north-south divisions that are harmful to U.S. interests.

The PRC government claims to meet the guideline of involving civil society in developing its report, but it only consults with government-affiliated organizations. Consequently, China’s report was full of propaganda, including claiming that it was one of the safest countries in the world. The PRC also stated that the imposition of the National Security Law in Hong Kong meant that the days of “social disturbance and fear are over, and that stability and order are restored.”

These claims about safety and stability are inexcusable given the persecution of Uyghurs and the bounties that it’s placed on individuals who seek exile abroad. Instead, it is actively sowing fear.

China’s machinations have also resulted in the U.N.’s compilation to the UPR omitting the finding in the report by the Office of the High Commissioner for Human Rights that the PRC’s actions in Xinjiang may constitute crimes against humanity. China further attempts to crowd out independent civil society and has also used GONGOs to intimidate and harass human rights defenders at the U.N.

As a result, I recommend the following:

- Commit to continued participation in the U.N. The U.S. can have greater impact if it remains in the Council. For example, American diplomats did a laudable job by putting forward 15 very well-stated questions in advance of China’s UPR.
- Support human rights defenders as much as we can, both inside and outside the country, including those who have fled to the United States in exile.
- Counter the PRC’s efforts to sow north-south divisions in the Council and find ways to puncture the false narrative that developing countries are not supported by the West.
- Expand cooperation with non-Western nations. Brazil, Chile, and the Marshall Islands actually delivered relatively good remarks during China’s UPR, and Somalia voted for the Xinjiang resolution. So there are opportunities outside of Western Europe and North America.
- Support creative advocacy. The U.S. mission in Geneva could host the performance “Everybody Is Gone.” It is an immersive performance that portrays the detention camps that Uyghurs are sent to.
- You asked about the case of people in detention. I do pro bono advocacy for Wang Yi. Nobody has been able to verify his

health, his mental status, in 3 years. His wife has not been allowed to visit him. I encourage the United States to run a thematic resolution at the Human Rights Council on access to prisoners and prisoner rights. This would also help ease some of the repression that Uyghurs are suffering, especially Rahile Dawut and Ilham Tohti.

- I also would encourage the U.S. to bolster resources for the U.S. mission in Geneva. (The PRC mission in Geneva is twice the size of the United States mission.) This would allow the U.S. to hold more side events. It would be ideal to have a U.N. side event on China during every single session. Thank you.

Chair SMITH. Ms. Inboden, thank you very much for your testimony and your recommendations. I really appreciate it.

I'd now like to recognize Mr. Rogers.

**STATEMENT OF BENEDICT ROGERS,  
CO-FOUNDER AND CHIEF EXECUTIVE,  
HONG KONG WATCH**

Mr. ROGERS. Chairman Smith, Senator Merkley, distinguished commissioners, it's a great privilege to testify before your Commission. And I thank you for the opportunity and for your leadership. I've been asked to focus on the real state of religious freedom in China and also in Hong Kong. I've been involved with human rights in China for over 30 years and have myself experienced, to some degree, transnational repression. I've received, for example, dozens of anonymous threatening letters at my home, in a suburb of London—not an address that I make public—and even my mother has received letters telling her to tell her son to stop doing what he's doing. This is detailed further in my written testimony and also in my book, “The China Nexus.”

Religious freedom has always been suppressed by the Chinese Communist Party regime, but under Xi Jinping's rule, it has intensified. Responsibility for religious affairs has been centralized. Xi has introduced a campaign of sinicization of religion aimed at the co-optation and control of religion. New regulations strengthen state control over religion. Unregistered house churches have been outlawed and ordered to join the government-controlled church system. Many Christians have been imprisoned, such as Pastor Wang Yi of the Early Rain Church, whose case has already been mentioned, who was sentenced in 2019 to 9 years.

In July last year, leaders of Linfen Covenant Church were accused of forming “a criminal clique.” On January 2nd of this year, the Catholic bishop of Wenzhou, Bishop Peter Shao Zhumin, was arrested yet again. At least 20 Catholic priests were arrested in China last year alone. Hundreds of churches have been destroyed, crosses dismantled, portraits of Xi displayed in churches, and surveillance cameras installed. The persecution of Falun Gong and forced organ harvesting continues. In 2019, an independent tribunal chaired by the British lawyer Sir Geoffrey Nice KC concluded that this is indeed a crime against humanity.

In Tibet, atrocities continue with religious practice restricted, including through colonial boarding schools in which a million Tibetan children who have been coercively separated from their fami-

lies and indoctrinated into Chinese language, culture, and CCP ideology, are cut off from their Buddhist religion and their Tibetan culture. The predominantly Muslim Uyghurs face genocide, as recognized by both the previous U.S. administration and the current administration, by several parliaments around the world, and by the independent Uyghur tribunal. Forced abortions, forced sterilization, forced labor, torture, and incarceration have accompanied widespread violations of religious freedom against the Uyghurs.

The crackdown on Muslims now goes further than the Uyghurs. Human Rights Watch has recently reported that in other provinces “Chinese authorities have decommissioned, closed down, and demolished mosques.” So whether you are a Christian, a Muslim, a Buddhist, a Falun Gong practitioner, or you follow another belief, in China today it is incredibly dangerous to practice your faith. In 2019, the then Ambassador-at-large for international religious freedom, Ambassador Sam Brownback, said in a speech at the Foreign Correspondents’ Club in Hong Kong, at a time when it was possible to make such speeches in Hong Kong, that “The Chinese government is at war with faith.”

In the recent UPR, as has already been mentioned, 18 U.N. member states raised recommendations on Hong Kong. Over the past decade, and especially since the imposition of the National Security Law, the Chinese Communist Party has totally dismantled Hong Kong’s freedom, the rule of law, and autonomy, in total breach of the Sino-British Joint Declaration. And the announcement this week that the Hong Kong government will bring forth legislation on Article 23, a further security law, will only intensify and worsen the situation. Freedom of expression, assembly, and association, and democratic participation have been destroyed. Over 1,000 political prisoners are in jail in Hong Kong today, and over 68 civil society organizations were forced to close.

In addition, as Hong Kong Watch documents in its new report titled “‘Sell Out My Soul’: The Impending Threats to Freedom of Religion or Belief in Hong Kong,” religious freedom in Hong Kong is being undermined in insidious ways. If I may, Mr. Chairman, request that this report, “Sell Out My Soul,” be entered into the record, I’d be very grateful.

Chair SMITH. Without objection, so ordered.

Mr. ROGERS. Thank you. The international community must monitor the situation of religious freedom in Hong Kong very closely. The new repressive laws under Article 23 and other laws expected should be closely watched and analyzed for their impact on religious freedom. Hong Kong’s plight is illustrated most starkly with the current trial of Jimmy Lai, the 76-year-old entrepreneur and pro-democracy activist. He’s a British citizen, and I’m privileged to call him a friend. He has spent the last 3 years of his life in prison, and he may well remain there until he dies.

He’s accused of conspiring to collude with foreign forces, but the reality is, as the head of his international legal team, Caoilfhionn Gallagher KC, so aptly puts it—the real charge against him is conspiracy to commit journalism, conspiracy to talk about politics with politicians, and conspiracy to raise human rights concerns with human rights organizations. I, along with several other foreigners, including some American citizens and British nationals, have been

named in Jimmy Lai's trial as collaborators. I woke up on January 2d of this year to find that our headshots were displayed in court.

The outrageous imprisonment of Jimmy Lai is emblematic of the CCP's assault on human rights, including religious freedom, because he is a Catholic motivated by his faith to fight for freedom. We must stand by him. We must call out this gross injustice. And we must demand his immediate and unconditional release. Thank you.

Chair SMITH. Thank you very much, Ben.

I'd now like to recognize Sophie Luo.

**STATEMENT OF SOPHIE LUO,  
WIFE OF DETAINED HUMAN RIGHTS LAWYER DING JIAXI**

Ms. LUO. Mr. Smith, Senator Merkley, and distinguished members of the Commission, thank you so much for holding this hearing and for inviting me to testify. Today's hearing is so important to me, as the wife of imprisoned Chinese human rights lawyer Ding Jiayi, and as the director of advocacy for the NGO Humanitarian China. That is an organization that pays attention to political prisoners. We must continue to speak out about the horrific human rights violations committed by the Chinese government. This is all the more important in the wake of the Chinese official delegation's denials about its human rights abuses and the Chinese government's allies' empty praise of poverty alleviation and the so-called rights safeguards, at China's Universal Periodic Review in Geneva last Tuesday.

First, I want to thank the Commission for tweeting the cases of political prisoners before the UPR. That is so important and highlights the problem. I would also like to thank the U.S. Government for the robust statement it made during the UPR and for its advance questions, including the focus on political prisoners and human rights defenders arbitrarily detained by the Chinese government.

Since my testimony at CECC 2 years ago, at the time of the Beijing Winter Olympics, I've spoken at length about the case of my husband, Ding Jiayi, and the legal scholar Xu Zhiyong. Chinese authorities secretly tried them and sentenced them to 12 and 14 years in prison, respectively. To date, no verdict has been issued to the families. After the Shandong High People's Court rejected their appeals, authorities sent Ding Jiayi to a prison in Hubei province and Xu Zhiyong to a prison in Shandong province. Actually, yesterday Xu Zhiyong's sister tried to go see him but was warned not to talk with me and was threatened with jail.

In April 2023, following the announcement of the verdicts of Ding Jiayi and Xu Zhiyong, I had the honor of testifying before Chairman Smith at a hearing of the House Foreign Affairs Committee. We discussed how Chinese authorities persecute human rights defenders through forced disappearance, secret detention, torture, coerced confession, fabrication of criminal evidence, and closed-door trials and sentencing, highlighting that the Chinese government has absolutely no respect for any law.

Today, I am holding up an image that shows many current political prisoners in China. My heart aches terribly every time I see this picture. But I put it on my desk at home, and I look at it every

day, because I know I must let the world know about human rights abuse in China and call for the release, and fight for the rights, of all political prisoners. In my written testimony, I highlight the many unlawful tactics used against human rights defenders by Chinese authorities, with specific examples which include forced disappearance, torture, lengthy pretrial detention, lack of access to medical treatment, heavy prison sentences, and restrictions on the rights of defense lawyers, or the imposition of officially assigned lawyers.

Other human rights abuses inflicted on rights defenders include forced labor in prison and randomly depriving political prisoners of their right to be visited by family members. Right now, actually this morning, my friends were highlighting for me that torture usually starts before—and during—the investigation. But some are tortured in prison also. Actually, to not allow family members to visit them is already mental torture for the prisoners. And also, after they are released, the government often still keeps them under surveillance. That is what we call non-release release.

There is also the persecution or harassment of the families of human rights defenders, which includes imprisoning their wives or loved ones and depriving their children of the right to attend school, as well as the imposition of travel bans and the forced deprivation of their livelihood. I deeply appreciate the countries in addition to the U.S. that specifically asked the Chinese government to end arbitrary detention and forced disappearance, and its abusive treatment of human rights defenders, during the UPR. And I look forward to your continued support for the families of human rights defenders as we fight for their basic rights and seek the unconditional release of political prisoners. Thank you very much.

Chair SMITH. Ms. Luo, thank you so much for your testimony. I don't think you will mind me mentioning that you were baptized in December, and that has given you an enormous amount of strength and encouragement. Thank you for what you are doing in bearing witness to the ugly truth of what the PRC is doing to your family, and to everyone else. Thank you.

I would now like to recognize Emile Dirks, who's coming to us via—he's in Toronto. So he'll be coming in through Zoom.

**STATEMENT OF EMILE DIRKS, RESEARCH ASSOCIATE AT THE CITIZEN LAB, MUNK SCHOOL OF GLOBAL AFFAIRS & PUBLIC POLICY, UNIVERSITY OF TORONTO**

Mr. DIRKS. Thank you, distinguished members of the Commission, for holding this important hearing on the state of human rights in China, and for the opportunity to testify today. My name is Emile Dirks, and I am a research associate at The Citizen Lab at the University of Toronto.

Today I will discuss three aspects of Chinese state-backed online censorship. One, online censorship profoundly impacts Chinese citizens' freedom of opinion and expression. Two, both Chinese and U.S. companies contribute to online censorship. And three, censorship is linked to repression in and outside China. I'll conclude with recommendations for how the U.S. Government can demand accountability from perpetrators and provide assistance to victims.

First, the Chinese government severely restricts Chinese citizens' freedom of opinion and expression through online censorship. Inside China, authorities block access to thousands of websites, including foreign media, human rights organizations, and the website of this very Commission. One of the clearest measurements of state-mandated censorship comes from Great Firewall Watch, a platform created by researchers at Stony Brook, the University of Massachusetts-Amherst, UC Berkeley, and The Citizen Lab at the University of Toronto. Since its inception in March 2020, GFWatch.org has discovered more than 640,000 blocked domains.

Now censorship is pervasive even on platforms accessible in China. Yet while authorities stipulate what content is prohibited, it is tech companies themselves that are responsible for day-to-day censorship. Citizen Lab researchers have discovered over 60,000 censorship rules on eight China-accessible search platforms—rules that fully or partially censor search results for key terms, including references to human rights abuse and criticism of the Communist Party. Citizen Lab researchers have also detailed how platforms censor discussion of political events, including activism in Hong Kong, crackdowns on human rights lawyers, and the COVID-19 pandemic.

Second, it is not only Chinese companies that are responsible for censorship. Citizen Lab research shows that the Chinese version of Microsoft Bing, the only major non-Chinese search engine accessible in China, engages in extensive censorship. In China, Bing only displays censored search results for authorized websites. Bing targets political material related to Xi Jinping and religious material related to banned spiritual movements. Furthermore, Citizen Lab researchers found that Bing's censorship of search suggestions, though not search results, was applied to users in the United States and other countries for at least 8 months from October 2021 to May 2022. Bing's extensive censorship shows that U.S. tech companies cannot introduce services in China without integrating restrictions on expression, and that these restrictions will be applied to users outside of China.

Third, online censorship is linked to offline harm. As detailed by Citizen Lab researchers, a 2019 to 2021 harassment campaign used Chinese social media to distribute personal information about Hong Kong activists. Victims are also outside China. This Commission has previously discussed the Chinese government's silencing of overseas critics through transnational repression. On Chinese and U.S. social media, state-backed proxies and online nationalists harass Chinese, Hong Kong, Tibetan, Uyghur, and other diaspora members. Since 2009, Citizen Lab researchers have investigated digital attacks and espionage against Tibetan diaspora communities.

Some of the most vicious instances of digital transnational repression are directed at women. As Citizen Lab researchers have documented, Chinese and Hong Kong women activists in Canada have suffered online threats of physical and sexual violence. Diaspora women in the United States, Australia, and other liberal democracies have also been attacked online, due to their criticism of the Chinese government. Now, through online censorship, the cooperation of technology companies, and digital transnational re-

pression, the Chinese State severely restricts the freedom of opinion and expression of people in and outside China. Addressing this problem requires holding companies responsible for their role in on-line censorship and supporting victims of digital harassment and intimidation.

Therefore, I recommend that the U.S. Government do three things: One, publicly request that Microsoft and other U.S. companies like Apple explain how they implement political and religious censorship on their platforms in China. Two, publicly request that Microsoft explain how political and religious censorship was applied to the search suggestions of users outside China and what safeguards will ensure that this will not reoccur. And three, train U.S. Government officials—including law enforcement and immigration authorities—to recognize digital transnational repression and properly assist victims and their families.

Thank you for the opportunity to testify today, and I look forward to your questions and comments.

Chair SMITH. Mr. Dirks, thank you so much for your testimony and your recommendations. We will follow up.

I'd now like to recognize Rushan Abbas.

**STATEMENT OF RUSHAN ABBAS,  
FOUNDER AND EXECUTIVE DIRECTOR,  
CAMPAIGN FOR UYGHURS**

Ms. ABBAS. Thank you, Chairman Smith and Chairman Merkley, members of the Commission and the staff. Thank you for this opportunity to testify. Today I stand before you to speak about my experience and observations during the PRC's fourth Universal Periodic Review held in Geneva last week. UPRs are intended to provide genuine exchange within the U.N. framework. This one, however, occurred amid an ongoing Uyghur genocide. It underscored the difficulty in holding China accountable for its human rights atrocities against the Uyghurs, Tibetans, Hong Kongers, Southern Mongolians, and Chinese dissidents. China's genocidal policies include forced sterilization, forced abortions, institutionalized mass rape, forced marriages, child abduction, modern-day slavery, organ harvesting, and crematoria for a culture that doesn't practice cremation.

Twelve countries and parliaments, including the United States, recognize these atrocities as genocide. I would like to underline by providing a telling example that the U.N. system is under immense pressure by the People's Republic of China. The main takeaways of the August 2022 report by the Office of the High Commissioner for Human Rights was that Beijing's actions in the Uyghur region could constitute crimes against humanity. This is a grave allegation that the U.N. could not and did not raise without compelling evidence. However, it was disheartening to see that the U.N.'s official compilation of its own reports as a part of the UPR process conspicuously left this conclusion out.

As much as Campaign for Uyghurs was relieved to see that this damning conclusion of the report by the U.N. itself was at least mentioned through our organization in the summary of the civil society reporting produced by the United Nations, the fact that the U.N. is debilitated to the point of not being able to refer to its own



reporting without hiding behind a civil society organization shows the level of China's undue pressure under which the U.N. system currently operates.

In the lead-up to the UPR session, Campaign for Uyghurs filed with the U.N. its stakeholder submission, which was referenced extensively in the U.N. Summary of Stakeholders' Submissions, shedding a light on China's atrocities. We seek your permission, Mr. Chairman, to enter this document into the record as well.

Chair SMITH. Without objection.

Ms. ABBAS. Thank you. In Geneva, I witnessed how a totalitarian state aiming to silence dissent and legitimize its oppression worldwide, works to exploit this U.N. mechanism to receive an international seal of endorsement. I was there last week with my team and my niece Ziba to attend the UPR. It was heartbreaking to see her sitting in the room with the very people that put her innocent mother in jail, and who continuously whitewash their crimes against humanity. Before the session began, pro-CCP students and the Chinese government-organized NGOs were sent to overcrowd the venue, restricting access to authentic human rights defenders. They attempted to limit civil society participation. And it took our persistent efforts with the U.N. Secretariat to secure access to a hall that clearly had more available space.

Defying the U.N. rules, pro-China individuals spent hours in the upstairs gallery photographing member-state delegates and activists from Uyghur, Tibetan, and other Chinese dissident groups, including myself. Another pro-China attendee was taking pictures of Tibetan and Uyghur rights defenders as we were standing in line to enter the hall. Unfortunately, it took repeated demands from the activists to get U.N. security to stop this individual. I saw a pro-Chinese attendee jotting down notes on his phone while looking over at a Uyghur activist's computer. This deliberate surveillance occurred inside the United Nations, a space meant for secure and open discussion on human rights.

These are common tactics used by the CCP to intimidate and monitor human rights advocates in international forums, especially those dedicated to unveiling the true state of human rights in China. One hundred sixty-three countries requested to speak. Each was granted just 45 seconds to provide recommendations. Over 120 countries either ignored China's dark record or commended its so-called progress. This included nations that by their own account should stand against the repression and not endorse it. It was jarring how sharply this orchestrated praise contradicted the realities of PRC rule that subjects marginalized groups to indefensible persecution.

As Representative Salinas did in her opening remarks, I also want to applaud U.S. Ambassador Michèle Taylor for her resolute stance among the 28 countries that spoke against the human rights atrocities. In just 45 seconds, Ambassador Taylor delivered eight recommendations on the ongoing Uyghur genocide, and the violations in Tibet, Hong Kong, Macau, and mainland China. As Chairman Smith mentioned, while the session was underway, China released a white paper on counterterrorism, trying to distort the facts and spread misinformation about the Uyghurs. This move aimed to

divert attention from the ongoing genocide and shape a narrative more favorable to China's interests.

Despite conclusive research, survivor testimony, and witness accounts, as well as several leaked documents from the CCP itself, side events organized by the Chinese government and government-sponsored NGOs presented propaganda to cast doubt on the established evidence, which I've discussed further in my written testimony. China's manipulation of the U.N. and blatant abuse of the international system undermines the principles of justice, human rights, and fair representation. Their maneuvers compromise the U.N.'s integrity and pose a direct threat to global stability and human dignity.

In my opinion, China's calculated attempts were indeed successful in shielding its egregious crimes from scrutiny and eroded the U.N.'s founding principles and purpose. The international community must unite against such tactics to preserve the U.N. as a beacon of peace—free from exploitation. Mr. Chairman, what transpired in Geneva last week was not an isolated case, but a symptom of a much larger issue. The PRC's conduct at the UPR and the permissive attitude in that room serve as a microcosm of China's broader disregard for international norms, human rights, and the dignity of the Uyghurs, Tibetans, Hong Kongers, and other persecuted communities.

I am defending human rights at the cost of my own sister's freedom as a result of China's transnational repression against American citizens living on American soil. Exercising my freedom of speech put her in jail. It's clear that in Geneva the PRC operates with an audacious sense of impunity, treating the U.N. as if it were their own playground, and getting what they want. The United States must recognize the gravity of the situation and the urgency with which it demands a response. It's high time nations stood firm against such bold affronts, ensuring that the U.N. remains true to the vision of Eleanor Roosevelt rather than becoming a rubber stamp for a global offense on freedom. Thank you so much.

Chair SMITH. Thank you so very much. Thank you for your courage. And your sister, she's in my prayers, believe me, and we will continue to raise her case as well. You know, one of the things I learned about political prisoners was learned from dissidents and prisoners themselves. One of them was Wei Jingsheng in 1994. I went to Beijing to raise the issue that they should not get the 2000 Olympics unless they released political prisoners. And he told me something. He was out of jail. He had been beaten senseless by the Chinese Communist Party, and then when they didn't get the Olympics, they rearrested him and hurt him severely again. He is a great human rights activist, as you know, and defender.

But he told me something I'll never forget. He said—very politely—"You people in the West don't understand. When you kowtow, when you try to curry favor with the Chinese Communist Party, when you fail to mention the names, by name, of prisoners, they beat us more in prison. When you're strong, assertive, and you don't give up, they beat us less." I've heard that from others, but he said it so powerfully. They knew when we were raising issues because even the warden would be well aware that the world was watching. So we need to accelerate that very, very significantly.

To your point, Ms. Inboden, and others, we just have to continue. Our data base is second to none. And we need—every delegation that goes or anyone—interlocutors with Chinese officials on any issue, from environmental to trade, especially trade, who has a list of prisoners—raise them by name. Why is this person being tortured? You know, Manfred Nowak, special rapporteur for torture for the United Nations, did a scathing report on China, the pervasive use of torture. And, you know, it was all denied. The Chinese Communist Party just said, Nope, doesn't happen. And then accused us, the United States, of practicing torture. It was just—it's Orwellian and it's never ending.

And 45 seconds to make presentations—I mean, that's absurd. There should have been an attempt to turn the clock off and say, You've got as much time—even if it goes for a day or two or more. How dare they, on the worst violator of human rights on the planet, let them get away with a review—with good content coming from the United States and others—but it doesn't get the airing that it deserves. On the prisoners, we all need to double down on that and make sure that every parliamentarian, every government official—when people from the Commerce Department meet, they have to bring it up.

I brought it up with John Kerry once and he said, Well, I want to keep it on the Green New Deal and things like that. I said, please, you know how bad it is. Please raise it in all of those venues as well, because every time you do you might be saving the life of one or of many. Someday we will see democracy and freedom there and it will come out, because we have a new bill we're working on right now, the Gao Zhisheng bill. I'm going to introduce it very shortly. I'm looking for co-sponsors, and I want to thank Bob Fu, who's been just never ending. Pastor Fu runs ChinaAid. He was a Tiananmen Square activist and was imprisoned. He has been a light to all of us. So has Gao Zhisheng; his wife and daughter, who are here, have both testified in the past. So we really need to elevate his case and the others who are political prisoners. If anyone wants to come in on any of that with the prisoners, please do.

The National Security Law is one of the worst laws ever. Jimmy Lai and so many other great people, the best and the bravest and the brightest of Hong Kong, are being prosecuted and the key thrown away, as they go to prison. You know, the Hong Kong Human Rights and Democracy Act, and all the other levers we have, need to be more robustly applied—both the United States, the U.K., and everyone else wherever we have those kinds of laws. The Global Magnitsky Act is a great tool as well. So I do hope we will redouble our efforts there. And this Commission did a great job, I think, in trying to rally people there—we met with a lot of those who are harassed by the Chinese Communist Party apparatchiks, to use an old Soviet expression.

And, you know, there's our businessmen paying tens of thousands of dollars to sit with Xi Jinping, to curry favor with him while he should be at The Hague for crimes against humanity and for genocide, being prosecuted. You mentioned—and maybe you might want to speak further on this—that yesterday our great Speaker strongly raised, at the Religious Freedom summit, the issue of forced organ harvesting. I've had two hearings on it, one

here at the Commission. We have a great bipartisan bill. It passed the House almost a year ago with only two people voting no. You never get that, right? Especially in recent times.

It was totally bipartisan because everybody realizes that there are tens of thousands of Uyghurs, Falun Gong practitioners, and other people of faith who are targeted—Christians, Tibetan Buddhists—but especially the first two, Uyghurs and Falun Gong practitioners. Tens of thousands a year who are killed, murdered for their organs, two to three per person. That's something that Josef Mengele, the Nazi doctor, would love. We have a bill that would go after that. It would criminalize those who, with knowledge, procure those organs. To just put it in neon lights: Stop this horrendous, horrific human rights abuse, and stop it now, or we'll do everything we can legally to come after you.

It's sitting in the Senate. It's H.R. 1154. I ask the Senate, again, to please mark it up and let's get it down to the President. We worked with the State Department. They had some initial concerns—I've been pushing it for 3 years. We met those concerns, and now we have a bill that I believe, based on their input, will be signed. So, you know, forced organ harvesting—I can't even think how horrible that is for someone as they are being strapped down and a doctor is coming over—some don't even get anesthesia. One of the doctors who testified said somebody was in shock and that person, as his organs were being taken out, started moving around because he was feeling the knife. I mean, it's barbaric, so we've got to get that bill passed.

So if any of you want to comment on any of that—yes, Ms. Inboden.

Ms. INBODEN. Thank you. I would like to comment on access to prisoners and prisoner rights. First, I would love to see a bipartisan CECC letter to the executive branch asking specifically for the president, the secretary of state, and the national security adviser and other Cabinet-level officials to be mentioning these cases specifically in their in-person meetings. I think that conveys a very strong message and it is something that our Nation has not done consistently.

I would also encourage the U.S. to push for the International Committee of the Red Cross, for U.N. special rapporteurs who have relevant expertise, such as those on arbitrary detention, torture, and forced disappearance, to be allowed access to China, even though China is very manipulative during those visits. As you mentioned, Special Rapporteur Nowak had a very powerful report. That report is almost 20 years old. We need access again.

There is another instrument that China has not signed, which is called the Optional Protocol to the Convention against Torture. It allows for a rotating visiting monitoring process to investigate prisons and other places where people are detained. I think these are all very concrete steps. I would also encourage the United States to work with Latin American countries. That region's own experience with the dirty wars and forced disappearances may make them very sympathetic allies in this battle.

Chair SMITH. Thank you.

Mr. Rogers.

Mr. ROGERS. Thank you. And could I, first of all, very enthusiastically and passionately applaud and endorse everything that you said and all the initiatives that you and the Commission are taking. I'd like to comment just briefly on Hong Kong specifically. First of all, I would really welcome scrutiny of the implementation of the Hong Kong Autonomy Act and the various sanctions and measures that are in that. The legislation is there, thanks to your leadership. To what extent is the administration actually implementing it? That would be one point.

The existence of the Hong Kong Economic and Trade Offices (HKETOs). I know there's an initiative on this which we really welcome, because they are now functioning not as they were originally intended to, as representatives of an autonomous Hong Kong, but rather as a second Chinese Communist Party embassy. And so I welcome efforts to look at that. We are doing everything we can to push the British government to implement sanctions, which it has not yet done. The United States has. The U.K. has not. Obviously, the U.K. has a particular responsibility to Hong Kong. Anything that the U.S. can do to encourage my own friends in my own country, in the U.K., to move on sanctions, would be appreciated.

And then last, I agree 100 percent with your point about naming political prisoners. I spoke about Jimmy Lai in my testimony, and it's really important that we keep the spotlight on his case. But naming, for example, Chow Hang-tung, the Hong Kong barrister who has now spent several years in prison simply for organizing a commemoration of the Tiananmen Square massacre—she's a brave lawyer in jail in Hong Kong—keeping her profile named. The 47 former legislators and pro-democracy activists who've now spent the last 3 years in prison awaiting trial—they haven't even been sentenced yet. They've been denied bail. They were elected legislators. Their only crime was holding a primary election, something perfectly normal in this country and elsewhere. They've been imprisoned for that. Highlighting the trial of the 47 and keeping the spotlight on that would be really important.

Chair SMITH. I have many questions, but I would like to yield to my distinguished commissioners and then come back for a second round.

Representative SALINAS. Thank you, Mr. Chair.

Dr. Inboden, I want to thank you so much for your testimony and for providing suggestions for how the United States can continue to engage in a meaningful way with the U.N. Human Rights Council. You listed several actions that the United States can take with the U.N. structure. What else can Congress do to bolster this effort?

Ms. INBODEN. Well, Congress does control the budget, and so, as I mentioned, the U.S. mission needs to have more staffing, better training. I also, having started my career at the State Department, know that your letters are powerful, so I would also be making several specific "asks." Obviously, your letter on naming individuals was very important.

Chair SMITH. We'll do that, thank you. We'll do the letter. Thank you. Great idea.

Ms. INBODEN. Thank you for that. But the U.S. needs to be doing more to defend the U.N. human rights system. Not just the UPR,

but the appointment of the independent experts who serve in the special procedure system, as well as the experts who help implement the human rights treaty body system. Having individuals with the relevant expertise, integrity, and who are proponents of vigorous scrutiny, no matter which country, is very important. The U.S. State Department should be monitoring all of those vacancies, being ready to support candidates with strong records, even candidates who are not Americans. Those are some very specific things that I would love to see the administration do.

Representative SALINAS. Well, thank you. And following up on that, you also mentioned that China's not only trying to manipulate the periodic review system and deliberately suppress reporting on its human rights record, but it's now challenging the universality of human rights altogether. As you specifically mentioned, it appears that they're doing this by creating a north-south divide and asserting that human rights are contingent on economic development. In your suggestions, you said the U.S. needs to find creative ways to poke holes in this false narrative and support developing countries. Can you just elaborate on how to best counteract these efforts by China?

Ms. INBODEN. The PRC Ambassador will make a very big effort to meet with smaller countries in Geneva. The U.S. needs to do the same, needs to lavish diplomatic attention on them. Our people need to be going on a listening tour, listening to what is important to these countries, and finding some common areas to push forward. I think also, as I mentioned, some creative diplomacy or advocacy by the U.S. mission could include a film festival featuring films from Uyghur artists, Hong Kongers, and Tibetans. As well as—I can't emphasize how powerful this "Everybody Is Gone" immersive performance is. You actually experience what it's like to enter a detention camp.

So I think these are all things that could really raise awareness. In Geneva, doing those things could make it more difficult for some of those countries who have gone along with China so that maybe instead they will just not speak up during China's UPR and won't make the weak recommendations, just abstain—even if China threatens to withdraw your aid.

Representative SALINAS. Thank you. One more question, if I may. Thank you. Ms. Luo, thank you so much for being here today and for your sincere and heartfelt story. I want to offer my sympathy for what you're going through and what you've done to endure all of this. While all your testimony about the treatment of political prisoners is shocking, I was really struck by the lack of communication and access that family members and attorneys have to these individuals. Is this the norm for all court proceedings in China? Or do you—and I'm a new commissioner, so forgive me—or do you think this is an additional scare tactic imposed on people like your husband who dare to speak out?

Ms. LUO. Excuse me. You are asking, is it a norm? What do you mean?

Representative SALINAS. Yes.

Ms. LUO. Normally, it is a right that family members, by law, are allowed to meet the prisoner. At least they can communicate by letter. And also, the prisoner can call the family at home, paid for by

the family. But this is happening less and less. In past years, as Rana just mentioned, Pastor Wang Yi's family had difficulty getting to see him. And right now, although they are able to meet him, they are not allowed to speak to anyone. The same as Xu Zhiyong's sister, as I just mentioned. And right now, my husband's family dare not go see him because the moment they do, the security person starts to harass them and threaten them. So it's a law, but totally not being respected in China.

Representative SALINAS. Thank you. And, truly, the reason for my question is just to highlight this duality. The out-facing to the rest of the world, but then really how they treat people who speak out against their practices. Thank you.

Ms. LUO. Thank you.

Chair SMITH. Commissioner Zinke.

Representative ZINKE. Thank you for all your testimony. It is important.

I guess to bring it home to the University of Montana—it's been in the news, at least in Montana recently, that there have been exchanges funded by the China-United States Exchange Foundation, which is currently connected to the CCP influence entity. I was noticing that the University of Austin rejected those similar requests and funding overtures. So could you explain to me what the exchanges are, the purpose, in your opinion, and why you rejected them?

Ms. INBODEN. Sir, that's an excellent question. I think that there are many reasons to be worried about CCP-backed programs like the Confucius Institutes and others. The Confucius Institutes are only part of the broader effort that the PRC is making in terms of propaganda in the academies. In all honesty, it was my husband, Professor William Inboden, who was deeply involved in speaking with university leadership and making them aware of some of those dangers. I'm very proud of his work on that, but I need to give credit that it was that Inboden that took on that battle.

Representative ZINKE. And do you have any advice for the University of Montana?

Ms. INBODEN. Why don't you have me come and talk to them about some of the dangers of CCP propaganda and the CCP's vision for world order?

[Applause.]

Representative ZINKE. Thank you so much. The president is a personal friend of mine and a Special Forces individual. I'll reach out, and I'd love to see that.

Shifting to TikTok, it seems to me TikTok is an influencer that is emanating from—or at least controlled in the data base by—China. It seems that influencers and those that participate in the platform are young, largely. The demographic would point to the X generation, and the influencers in that. And we've seen a recent influence on LNG, probably as a trial as we go forward in the election. I would imagine there's going to be others, to either try to manipulate popular opinion, etc., targeted on certain objectives.

I guess my comment is for those of us that perhaps are a little past the X generation. I guess, Dr. Dirks, you seem to be the youngest participant. Is there some advice as to what language our generation can use to talk to the younger generation about some

of the dangers involved in broad participation and utilization of TikTok as a platform of preference?

Mr. DIRKS. Well, thank you for your question. And thank you for acknowledging me as maybe the youngest person here. I don't know if that's true. But what I would recommend—The Citizen Lab has produced a short document, which looks at the comparison of TikTok with its Chinese counterpart, Douyin. I believe that would be the best resource for looking at the particular privacy concerns that surround both platforms.

I'll note that in the analysis that Citizen Lab researchers have done on TikTok, they've found that TikTok collects similar kinds of data to other social media platforms, such as Facebook. A lot of this is for the purpose of creating targeted ads toward users. Now, one thing to be clear about is that our analysis at the Lab was very explicit about our having no visibility into what happened to user data once it was collected and transmitted by TikTok back to its servers. It's possible that the Chinese government may use unconventional ways to obtain user data, for example through National Security Law legislation, which you could apply to TikTok's parent company, ByteDance. This is a plausible scenario, but it's also a speculative scenario.

However, again, the focus of that research was looking at comparing TikTok and Douyin. Researchers found no particular evidence that the Chinese government was using any measures to pressure ByteDance. What I will say as well is that it also seems perhaps unlikely that TikTok is spreading views which are overly favorable of the Chinese government on its own platform. What's more, I think that if we're looking at general privacy concerns or content concerns on TikTok, I think what this really highlights is the need for a broader discussion about data privacy and content moderation, not just on TikTok but on a variety of social media platforms—be it Facebook, be it X, Instagram, or anything else.

Representative ZINKE. Thank you. I appreciate it. And I appreciate what you do. Mr. Chairman, I yield.

Chair SMITH. Thank you very much, Commissioner Zinke.

Commissioner Nunn.

Representative NUNN. First of all, well said, Commissioner Zinke.

Thank you, Mr. Chairman, and to the bipartisan members of this Commission. And most important, thank you to the panel here today. This is just very powerful testimony that you've shared, not just in this committee room but the rest of the world is watching. As we look at the lies and deception that are being facilitated by the Chinese Communist Party, this is not new to the realm of China. I'm a military officer, you know, and one of the first things we read here is "Unrestricted Warfare." The idea here is that China is going to use every method to its ends to advance the goals of Beijing—not just on the battlefield, but right in its social media, in how it engineers its economy, and, painfully, as you've highlighted, how it exploits its own people to achieve political goals, most notably, retaining power within China and expanding that power across the world.

Whether it be by, most recently, falsifying COVID statistics that leaves the rest of the world unprepared for a vicious pandemic, tell-



ing the world that it's not interested in territorial expansion, while it gobbles up islands, or simply downplaying their military buildup in the Pacific, China has become known as infamous when providing for the West false information. It's truly broken down a trust that could have been established between Beijing and for the rest of the world. Now on the world stage, the United Nations Human Rights Council, China has fudged the numbers once again. However, the falsification here of human rights violations reported by the CCP not only shows they are lying, it indicates that those that are vulnerable populations, that they're not even worth accounting in their statistics internally to China.

The Chinese Communist Party continues to lie about human rights violations that they themselves not only are allowing to happen but are actually the director of the infliction of pain that's incurred on it, as we just saw, Ms. Luo, from your testimony. So I want to applaud Chairman Smith and my fellow commissioners for their continued efforts to hold Beijing's feet to the fire, not just in these committee hearings but in the important legislation that has been moving forward on this that's now on the President's desk. This truly must be a comprehensive approach, not just from the United States but with our allies as well. So the bottom line is that if China wishes to amend its rocky relationship, not just with the West but with the entire world, it needs to start by telling the truth and being transparent in that truth.

So I'd like to get to our witnesses, Mr. Chair. Mr. Rogers, I'll begin with you. Obviously, we have seen a dramatic transition in all of our lifetimes. One of the first things we saw is the extrajudicial procedures that were put in place to pull people out of Hong Kong, in violation of the commitment that Beijing made to take them to courts outside. Can you speak to us briefly on how that has had a chilling effect on democracy in Hong Kong?

Mr. ROGERS. Thank you. Yes, the most significant development in the last year has been the issuing of arrest warrants and million HK dollar bounties on the heads of now 13 Hong Kong activists, including those in the United States, in the United Kingdom, and in Australia. Certainly that has had a chilling effect. Some of those individuals, who are courageous, long-standing activists, have, very understandably, rethought how public they should be, not so much for their own safety but because their family members in Hong Kong, after the issuing of these arrest warrants, were then called in for questioning. The threat and the use of families of exiled activists in Hong Kong is a really horrific tactic by the CCP.

Representative NUNN. I want to dig deeper here. Xi Jinping has identified religious work as being a priority. Can you tell us, in his mind, what religious work would mean, and what impact that has had on people across China?

Mr. ROGERS. Absolutely. This is his campaign of the sinicization of religion. He's now made several unprecedented speeches. His predecessors, leaders of the Chinese Communist Party, seldom if ever made speeches on religion. He's now made several. But what he means by sinicization is not inculturation of religion. It's not about adapting religion to Chinese culture. It's about coercing religion to the Chinese Communist Party's propaganda, to become a tool of the United Front Work Department, and to preach not the

tenets of any particular religion, but rather the teachings of the Chinese Communist Party.

Representative NUNN. The religion of Xi Jinping, and Xi Jinping alone.

Ms. Abbas, you obviously are a religious minority. You represent the voice of so many millions who have been unheard inside China today. Could you talk to us about both what the Chinese say publicly—again, going back to the lies and misdirection—about religious freedom according to the law, and how China has used this “according to the law” standard to really suppress people using that law?

Ms. ABBAS. Thank you so much, Mr. Nunn.

You’re absolutely right. They define in the books and the constitution that religious beliefs are guaranteed for the citizens, but with this recent campaign of genocidal policies against the Uyghur ethnic group and the other Muslims in East Turkistan, what we call Xinjiang province, the Chinese government is criminalizing every single aspect of the religion—like praying, or fasting during Ramadan, or even a simple greeting of “assalamu alaikum,” which means “peace be with you.” Those are all reasons that Uyghurs can be detained. And they are using the pretext “war on terror” and “deradicalization” and putting everyone in jail.

We had millions of people disappeared in detention. My husband sitting behind me right now, his entire family has been missing since the summer of 2017—24 people. My parents-in-law, three of my sisters-in-law, their husbands, my brother-in-law and his wife, 14 of his nieces and nephews. Then when I spoke out about this at the Hudson Institute in September 2018, my own sister, a retired medical doctor, Dr. Gulshan Abbas, was taken in retaliation for my freedom of speech, as I mentioned in my opening remarks.

When Cui Tiankai, a former Chinese Ambassador to the United States, was questioned by one of the CNN reporters, he said very clearly when he was asked about those detention centers. He said, by holding those Uyghurs in so-called reeducation centers, we are trying to make them normal persons. So imagine, because of the language we speak, the religion we believe in, and the beautiful culture that we represent, in the eyes of the Chinese government we are not even normal commodities, we are not even normal persons.

Representative NUNN. Ms. Abbas, first of all, I think we—all the commissioners—express our empathy to you. As a fellow person of faith, my prayers are with you and your husband’s family. I can only pray for the best. But we also have to recognize the systematic elimination by the CCP is something that we equally have responsibility here on Earth to address immediately.

Dr. Dirks, I know you’re remote with us, but I wanted to see if you could chime in here to speak specifically about how China manipulates this data when it comes to its own domestic surveillance program. I want to bring in the fact that it’s not just the role of the United States. It’s the role of the entire world to address internationally China’s growing use of digital surveillance. We worked hard on the Huawei prevention bill and the efforts that China is making, using technology to spy on the West. It is probably even more invasive inside China, and really has provided a testing

ground for the CCP to hone its ability to surveil, assess, and ultimately detain or destroy its own population, a tactic that can quite easily be used on operatives outside of China. Would you be able to speak to that, Dr. Dirks?

Mr. DIRKS. Certainly. I just want to say thank you to the members of the Commission, as well as members of the Tibetan diaspora, specifically Students for a Free Tibet, people at Human Rights Watch, and other researchers who focused on this specific issue—we're talking about domestic surveillance in China—the specific issue of mass DNA collection. I wrote a report on this in September 2022, as did Human Rights Watch, and this led to a lot of pressure being placed on a U.S.-based company, Thermo Fisher, which was implicated in the mass DNA collection program in the Tibet Autonomous Region.

It was because of the public efforts of members of this Commission, as well as Tibetan diaspora groups, that Thermo Fisher ultimately made the decision to cease selling human identification kits within the Tibet Autonomous Region, just as they did in Xinjiang in 2019. What I think this highlights is that there is a large role, an important role, to be played by people in the public sector—in civil society, in the media, researchers, as well as members of legislatures in liberal democracies, to put pressure on both Chinese and non-Chinese companies for their involvement in these kinds of programs.

Second, when we're talking about the expansion of Chinese state surveillance, perhaps outside of its borders, I think where we see the greatest risk is to members of diaspora communities. These can be Chinese, Hong Kong, Uyghur, Tibetan, or others—individuals who by citizenship are Chinese or, because of their family ancestry, have links to China. We've certainly seen under the Xi Jinping administration a real increase in efforts by the Chinese government to harass, intimidate, attack, and even forcibly return members of these communities back to China.

So in thinking about solutions, in thinking about how to address these problems, we really need to be thinking about those particular diaspora communities, and vulnerable members of those communities. There's a lot of discussion today about political prisoners, who deserve a discussion. These are people who are under intense surveillance, detention, abuse within China's borders. Many of the diaspora members who are being targeted by the Chinese government outside of China are often quite anonymous. These are not well-known individuals.

And so I think it requires great sensitivity, a lot of training on the part of U.S. Government officials—again specifically, as I said in my remarks, law enforcement, immigration—to be able to correctly recognize what transnational repression is, including its digital component, harassment and intimidation of people online, and how to provide necessary and reasonable support to individuals and their families. That will also require a lot of trust building between law enforcement agencies, immigration, and members of those communities and the communities at large.

Representative NUNN. Thank you, Dr. Dirks. I think it's worth noting here that the tactics that are being honed, as you highlighted, within China's borders, have already spilled over to the di-

aspora in other countries. In fact, right here in the United States we were proud to just pass legislation shutting down 40,000 Chinese shell companies that have set up shop. I'm a farm kid from Iowa. It's not just the buying of farmland, it is the wholesale establishment of a clandestine operation working here in the United States and around the world, buying up so that China can target its own diaspora, but also be a collection agent for U.S. interests on our own soil. This is an immediate national security concern. And while our hearts are absolutely with everyone in this room, we have to recognize that the CCP does not intend to operate only on Chinese soil but to export that, to be able to influence activities around the globe.

Ms. Inboden, you have some very important recommendations here on what the United States can do. I think that it's important, as we saw with Huawei and other companies, that in the technology space alone it cannot be one country trying to turn back this red tide. I'm not talking about Alabama football. I'm talking about what's coming out of Beijing right now. The question is—if we're going to move forward on this, how do we get our international partners to go along with the good recommendations you made for what we're trying to do here in the United States?

Ms. INBODEN. That's an excellent question. I have said that transnational repression needs a transnational response. I think that there are many countries that are starting to understand the threat that this presents—Australia, for example. I've also noticed a real change within Europe, where China experts themselves have started to face some level of transnational repression. And so I think those governments are starting to understand the risks. I would encourage the U.S. to pursue within the U.N. and other bodies joint resolutions, shared initiatives to combat transnational repression, a U.N. Human Rights Council resolution on transnational repression, and information sharing between Federal agencies, especially law enforcement, on transnational repression.

I would also like to see the U.S. Government taking more steps. At the Federal level the U.S. has made great strides in recognizing it—but I think that it needs to be much broader and include also state-level officials being aware of transnational repression. I would also like to see, frankly, U.N. Security understand transnational repression, because, as my fellow witness indicated, on U.N. grounds people feel threatened by Chinese representatives from GONGOs, and I think that is really not excusable. Five years ago, many of us started making recommendations to the U.N. on what U.N. Security could do. And I don't think that has been implemented to date.

Representative NUNN. I want to thank each member of the panel here, and highlight specifically, Ms. Inboden, to your point, both what we can do at the international level, but, as you highlighted, at the federated state levels here as well, to have a unified front. And, Mr. Rogers, you noted earlier, those bilateral relationships with countries that have the capacity to stand up—Australia, the United States, Japan, Korea, Great Britain, certainly—these are the countries that have to lead the way.

The United States has certainly been on board with this, but we have to stand with our neighbors and communities that don't have

the ability to stand on their own. And I look at some of our friends in Southeast Asia and the island nations—they need the support as well, with the large percentage of Chinese living in those communities, that also face this direct threat—both economically, socially, religiously, but most importantly, politically as well.

Thank you very much, Commissioners. I appreciate the opportunity to be here, Mr. Chairman.

Chair SMITH. Commissioner Nunn, thank you very much, as always, for your incisive questioning.

Let me just ask some additional questions, and then anything else you would like to say to us, to the Commission today, as well. You know, on transnational repression, I've introduced the Hong Kong Economic and Trade Act, which is going after those three outposts. It's a natural follow-up to the Hong Kong Human Rights and Democracy Act, and it has passed in committee. It'll be on the floor shortly. It empowers the White House, the Secretary of State, to end it, to get them out of here. They're a malign influence. We saw it at the APEC summit, when they were coordinating the efforts to suppress especially Uyghurs and others, who were all demonstrating. I mean, it was horrible to see.

I spent the better part of five, six hours reading every one of their websites, for all three of them. And there they were, defending aggressively, Ben Rogers, the National Security Law in Hong Kong, how great it is. And you know, they're supposed to be the teller of truth for economic transparency for the Chinese Communist Party. It couldn't be further from the truth. So that's one way. Senator Merkley has an excellent bill on the Senate side. We have the companion bill here on the House side on transitional repression. Again, they're both bipartisan. We're hoping to get that legislation passed. His bill number is S. 831. Mine is H.R. 3654.

And it protects targeted individuals, trains law enforcement so that they're more equipped and aware of what to look for. Because sometimes—we've seen this with other human rights abuses, like trafficking—it could be standing right in front of you and you don't really understand—you know—they don't know. There just needs to be a very significant training capacity for each of those. There are also other aspects to it, but they're both great bills. They're identical. We're hoping to get those passed as well. It's got to be done. I've heard from so many in the diaspora on how they're surveilled—worse, they're threatened. And Bob Fu went through it. He had to move out of his home because of what these Chinese Communist Party apparatchiks were doing to him. And he got through it.

Let me just say too, you know, I am requesting again today—we're going to do another letter. I've done several. After we got the forced organ harvesting bill passed, the Chinese embassy here went into overdrive, saying how untrue it all is, which is par for the course. They were also making comments about how anybody can go to Xinjiang. They have nothing to hide. So we put together a letter immediately and said: I'd like to lead a congressional delegation to go there, to go to the camps, to spend a week or two there. And we still haven't heard back. We've done several follow-ups. From this podium, I'm asking that the Chinese Communist Party allow me, and other members, to come. You have nothing to hide? We

want to come. You know, we've done it before, Frank Wolf and I, back in the 1980's, went to Perm Camp 35 in the Ural Mountains, where all the political prisoners were, and the religious prisoners, under the Soviet Union. Not all of them, but some of the best of the best, like Natan Sharansky and others.

It took 2 years, but we got there. And we interviewed and talked to every one of those prisoners, and we worked to get them out. It was such an eye opener. The warden couldn't believe it when we walked in the doors, even though he knew we were coming. He goes, How did you get here? Well, China has made that bold statement about Xinjiang, and we're following it up. We want to go. The sooner the better. So I again make that request.

Dr. Dirks, thank you for your great testimony and your leadership. Back in 2006 I had a hearing—it was the longest hearing I've ever chaired. It was 8 hours long. We had Microsoft, Google, Cisco, and Yahoo, their top people, all testify because of their work to enable the Chinese Communist Party to surveil and to censor all things from the dissident community, religious community. And one of the most telling things that we got from them—because I asked them all, swore them all in and asked them: Why are you doing it? They said, Well, when a police request is made, we honor it. They give out personal, identifying information. They just fork it all over to people who then go round up human rights activists and put them in prison. There was one particular person that Yahoo gave all the information on, and they arrested him. Shi Tao. We had his mother at a subsequent hearing. And here, an NGO in New York City is being told what you can and can't do when the Tiananmen Square time comes around, you know, to remember it and to focus on it.

He got 10 years in prison. And Yahoo facilitated the entire thing. They did say they were going to move that kind of information off-site, but who knows how well or poorly that has been done. Google may be one of the worst. And Microsoft! When I saw the former leader of Microsoft kowtowing to Xi Jinping last June in Beijing, it made my heart sick. Why didn't he have a prisoner list with him? Not only do we ask every government official, every lawmaker, to raise names—you know, this Commission has got the best list imaginable, and very accurate—we've got to get our people in the private sector, especially big tech, with that prisoner list, and stop looking the other way, because they are enabling the cruelty of cruelties, like against your sister, Rushan, when they're silent.

Silence means you're okay with it. You've got to speak up. So we're going to make that request again of the private sector as well in the letter, like you have asked for, Rana. We will do that immediately. Maybe, Mr. Dirks, you might want to speak about this. I think Microsoft, Google, Yahoo, Cisco and the others have to own up to the complicity and the conveyance of high tech that they have now given to the Chinese. Now when they take it over, they might even make it more efficient. But it's all used for repression. Why don't they know that? Where's the apology from Google?

I was at an internet café in Beijing on one of my many trips there. I'm now barred from going. Hopefully, I'll get to go to Xinjiang with a delegation. But I went to an internet café. I typed

in “torture,” because I was looking for Manfred Nowak’s report. And I got Gitmo in Cuba. I got this harsh attack. You know, everything else I couldn’t get—you know, I pushed the hyperlink, couldn’t get to any of it. I put my name in. That wasn’t good. I put in the Dalai Lama. That was even worse—far worse. It just tells you—all of that was enabled by high-tech companies in the United States of America, and that is outrageous.

Anyway, at that hearing I started off—I’d just read a book about IBM and the Holocaust, an excellent book, well footnoted. And it talked about how the Gestapo always had these great lists, particularly of Jews, whom they hunted down and put into concentration camps and killed. And how did they always have those? IBM was a major reason. And I said, past is prologue. They are now enabling the Chinese Communist Party to repress in the cruelest of fashions these wonderful people.

So, Mr. Dirks, do you want to speak to that? Why don’t these companies ever come clean? We had hearings leading up to the last Olympics. And we had some of the companies, Coca-Cola and the others—they’re not high tech, but they certainly are a very big company—just to say, what about the genocide that’s going on in Xinjiang? Will you speak out against that? And it was like, Hmm . . ., one of them did but all the others wouldn’t say a word. If anyone wants to respond to any of that, I would appreciate it.

Mr. Dirks, why don’t these companies ever come clean? You know, it’s just troubling beyond words and it also has military implications, as we all know. That came out in our hearing with Cisco—and the others, but especially Cisco. You know, they had a control capability they sold called Police Net. Now the Chinese Communist Party police could better track down and share with each other the dissident community, and the human rights activists, and religious freedom people. You might want to speak to that, Dr. Dirks.

And let me just say to all of you—maybe you want to respond to this—what happens now? Yes, there will be a response period pursuant to the Periodic Review. But this should be the beginning of a new focus, a pivot to a new focus, not a one-and-done. Some report shows up on a bureaucrat’s desk and he goes, Oh, look at this—and throws it into the shredder. There’s got to be real follow-up. I’m glad that so many did raise, including our government, very serious questions. I mean, that is—you know, we’ve got to take this to a new level. That’s why we’re having this hearing, so I would ask you as well if you could speak to what’s next.

Mr. DIRKS. Well, thank you for your question. In terms of tech companies, you mentioned Microsoft and Apple. As I stated in my recommendations at the end of my prepared remarks, I would encourage the U.S. Government to publicly request that Microsoft and other U.S. companies operating within the People’s Republic of China and Hong Kong, to publicly explain how they’re implementing or why they’re implementing political and religious censorship on their platforms in China. Often these companies are not transparent about what particular content moderation or censorship practices they’re putting in place. That would be a major step that the U.S. Government could take, simply demanding that these

companies actually explain how they're implementing content censorship on their Chinese-based platforms.

More broadly, I think this raises the question of what the ethical commitments are of any company that is engaging with Chinese state actors, and in particular the Ministry of Public Security. So this was an issue, again, that was raised in the discussions around mass DNA collection in the Tibet Autonomous Region; and previous to that, in Xinjiang, specifically as it related to the involvement of Thermo Fisher in selling human identification kits in those regions. Within the Ministry of Public Security, China's state security apparatus, there's a long, well-documented history of human rights abuses there, documented by researchers, advocacy organizations, journalists, and members of this Commission.

It is not conceivable that corporate entities that are engaging or pursuing a commercial relationship with state actors, specifically the police in China, are unaware of this history of human rights abuse by the Ministry of Public Security, by Chinese state security agencies. So I think it's incumbent on those companies to be able to publicly explain to governments, to the public, to journalists, to shareholders, why they feel comfortable engaging in commercial relationships with a state entity that is known to commit human rights abuses against Chinese citizens within its borders, and who are potentially implicated in human rights abuses against diaspora members outside Chinese borders.

Chair SMITH. Thank you, Dr. Dirks.

Ms. Abbas.

Ms. ABBAS. It's extremely important for our administration to take some necessary tangible steps, especially at the U.S. mission in Geneva. They should be provided with enough resources and the capability to push back China's influence in the U.S. So whatever we can do to provide the resources, the staff, and the funding. They cannot do their job while the Chinese government has 100 times more money and resources. The U.S. mission in Geneva is at the forefront of this. Our administration really needs to take seriously, as you mentioned, Chairman Smith, at the beginning, any kind of kowtowing or leaning into the engaging and dialogue with the Chinese government. They take it as a sign of being weak, and it will embolden them, empower them more. So if we want to hold the Chinese government accountable, we really need to take real tangible steps. Thank you.

Ms. LUO. Sorry, because my English is not very good, and also I don't quite understand the rule. When Ms. Salinas asked me about the situation, I didn't put forward my recommendation. I am a project manager. On everything, I think we need a solution or, let's say, a suggestion or proposal. Regarding the situation of the prisoners—in China, right now I have a very simple but maybe difficult recommendation, because I know each of the countries have diplomats in China. We have the human rights officer in Beijing, in Shanghai, and maybe in other places. Right now I understand the difficulty is that the human rights officer is not able to do anything publicly. Anytime he meets with the family, the family gets harassed and even imprisoned, like Yu Wensheng and Xu Yan. The only reason Xu Yan was imprisoned is because she went to meet the U.N.-EU delegation when they came to China.



I mean, this is a very bad case for the Chinese government to be showing the world. To the outside world: Pay attention to the political prisoners. They still can detain their family. So what I want to say is, I hope the next more tangible step is that the human rights officer in China should directly request to visit the detention centers, the prisons. As Rana just said, of course they will cover everything up, but even just the request will put pressure on them to follow the law they wrote themselves. We're not asking them to do anything else. Just do what you write in your law. This is one recommendation.

Another thing I want to highlight, in my written statement I mentioned that when a couple is detained or imprisoned, their children are in real difficulty. The people taking care of them have a big problem. And I wish we could have some way that the human rights officer, just from a humanitarian point of view, be paid attention to. This is my second point.

The third point, regarding the term of life in prison; for some of the prisoners, like Wang Bingzhang, he is already 75 years old. I talked to his family. I said, should we ask him to give up what he's doing at 75 years old? He just wants to come back home. But he was sentenced to life. For these kinds of cases the human rights officer can reach out to do some negotiation, because the political prisoners—there are just so many cases—we have all kinds of circumstances. But we have to go case by case.

Sorry, maybe I spoke too long, but I have a lot of recommendations I could put forward into my prepared statement. Thank you.

Chair SMITH. I appreciate it.

Mr. Rogers.

Mr. ROGERS. Thank you. I'd like to answer your question, What's next?, very briefly. I'll do so in respect to three areas. First on the United Nations, second, in regard to Hong Kong, and third, more broadly on China itself. At the United Nations, I very much agree with Rana Inboden that our experience at Hong Kong Watch, when we were advocating for the UPR, we had some very encouraging meetings with nontraditional allies—countries that we hadn't worked with before that are not totally in China's camp. Countries like Peru, Costa Rica, Chile, Mexico. In the end, they didn't come forth with the recommendations we hoped they would on Hong Kong, but they were very receptive to hearing from us, at least their diplomats in Geneva were. So I would encourage a greater engagement with non-Western potential allies to try to counter China's influence at the U.N.

I think we need to really engage the special procedures, the special rapporteurs, on all of the issues we've talked about. It's worth putting on the record the fact that just before the UPR, a group of special rapporteurs issued a statement calling for the release of Jimmy Lai. And then just a day or so ago, one particular special rapporteur came out with a finding that a key witness who is due to appear soon in Jimmy Lai's trial, Andy Li, who is himself a political prisoner, has been subjected to severe torture, and that he's testifying against Jimmy Lai, but under coercion and pressure and torture. The special rapporteur has found that and has said, therefore, that Li's testimony will not be valid because it is a result of torture.

Coming on to Hong Kong and Jimmy Lai, I know there is a proposal—which, I think, Mr. Chairman, you are aware of, from Nina Shea, to create a Jimmy Lai Way somewhere close to the Chinese Embassy. I think that would be a fabulous step to take. And I will certainly be looking to encourage that in the United Kingdom and elsewhere as well. This week, the Hong Kong government announced a so-called public consultation on the Article 23 security legislation. While we know that's not going to be a genuine public consultation, I wonder whether—in the same way that you have requested to go to Xinjiang—whether the CECC might request the opportunity to contribute to Hong Kong's public consultation on Article 23, and see how far you get with that.

Then, just more broadly, I'd like to put on the record the issue of pension funds that are invested in companies in China that are complicit with facilitating surveillance, repression, and genocide, but also the issue of the pension fund providers that are withholding Hong Kongers' pensions under the Mandatory Provident Fund, the MPF scheme. I won't go into detail on that, but that is something that I think should be addressed to allow Hong Kongers who are leaving Hong Kong and coming, particularly to the U.K., but also elsewhere, to withdraw their hard-earned pensions. And finally, if there is an opportunity to do more to highlight Jimmy Lai, perhaps in the form of a resolution on his case, during the course of his trial to put a spotlight on the trial, that would be very welcome. So thank you.

Chair SMITH. Great suggestions. On the Jimmy Lai Lane, we are working on a piece of legislation. We're more likely to try to do it in front of the Hong Kong Economic and Trade Offices and put it there. Hopefully, they won't be there much longer, but that would be one thought. It might be easier than doing it in front of the embassy, because when we do that it's amazing how much opposition there is, and the ability to spike that, particularly if it passes the House and the Senate, has happened before.

Did you want to say something, Rana? I wasn't sure.

Ms. INBODEN. I'll try to be brief on your request about next steps.

Chair SMITH. Yes.

Ms. INBODEN. I still believe in American energetic diplomacy. The Xinjiang resolution in the Human Rights Council could have passed if the U.S. Government had advocated for it more vigorously. For China, it was a full court press. For the United States, I honestly think that more calls at higher levels to certain other governments would have secured at least an abstention, if not some votes in favor of it, including, for example, Ukraine. The U.N.'s commissioner for human rights has said that he will follow up on his predecessor's report on Xinjiang. I would like the U.S. to push to be talking to that office, letting them know that mere engagement with the PRC is not enough. It needs to be pressure. It needs to be public. And I would love to see the U.N. High Commissioner for Human Rights himself mentioning these cases by name.

Then finally, I support Sophie Luo's suggestion. I would love to see American diplomats in China asking for access to these prisoners. Finally, in other academic writings, I have written about China's authoritarian collaboration in the United Nations, including with a group that goes by the moniker Like-Minded Group.

They're like-minded about trying to hold back the U.N. human rights bodies from scrutiny. I would love to see American diplomats try to chip away and weaken that group, making it smaller and less powerful. Thank you.

Mr. SMITH. Thank you so much.

You know, let me just ask a follow-up. Can that resolution on Xinjiang be reconsidered or reintroduced?

Ms. INBODEN. It could be. My understanding is there's a lot of hesitancy about doing that. We can't go back in time, but I think also that the configuration of the Human Rights Council, with China being reelected again, is still not in our favor. I really would have liked to see more vigorous American lobbying for that resolution. It was a travesty that it did not pass, because there was the potential for it to pass.

Chair SMITH. Thank you. Just one issue I'd like to bring up that we've been working on as a Commission—our staff and I have been pushing hard on it, and that is the North Koreans who left North Korea, made their way into China, and now in absolute contravention of the Refugee Convention, China is sending them back to North Korea—there are at least 600, of an estimated 2,000—that was the UNHCR suggestion, that about 2,000 are at risk of refoulement. There's not enough being done to raise it. We've raised it repeatedly here in the Commission, and I have done so with many, including with UNHCR. But there needs to be a resolution there. Those people go back, and most are women. They go back to a situation where they will be tortured. Many will be executed. Six hundred is the estimation of how many have been sent back against the clear obligations pursuant to the Refugee Convention.

There's another rule of law issue where they signed on. They're signatories to the Refugee Convention—"they" being China. And yet they are just violating it with impunity. And that's a larger question; they sign things, and then what do they do? I remember for years—year after year—with one of the major human rights treaties—every time a delegation was coming, they would say, you know, they're reconsidering this. All the China hands that make money from Beijing would be saying, Oh, they're about to sign it. It went on for, like, a half dozen years, and it's useless. And there's no limitation, as you know, on any of this. But if any of you want to speak to the Refugee Convention, please do. I wanted to get that on the record because that is really, really serious.

Ms. ABBAS. May I have permission to speak, Chairman?

Chair SMITH. Of course.

Ms. ABBAS. In regard to the issue that you mentioned, we have some Uyghur cases around the world. Specifically, we have some one in Morocco, actually, for the last few years, Idris Hasan, in limbo, and, as well, we have some Uyghurs in detention in Thailand. Also, recently, there is one more refugee that we spoke to Piero about confidentially yesterday. So these are the cases that we need to do something about immediately. Our administration, our posts, our embassies, should take steps. If the previous administration and this administration both declared that what's happening to Uyghurs is genocide, they would not be facing the risk of being deported back to China.

Also, on the second related issue, we have a few hundred Uyghurs in the United States. Their political asylum is not even being reviewed, or after the interview they are not getting approved. So if we cannot do anything for the millions of Uyghurs back in the Uyghur region, at least we should do something for those Uyghurs here and around the world. That's something that is really important and immediate—if we can do something. Thank you.

Chair SMITH. Let me just say one other thing. You know, I mentioned Wei Jingsheng earlier. And I'll never forget this. I've heard it several times since from political prisoners, how important it is that their names be visible and that we persistently bring this up, that everyone bring this up. I got another insight. You know, I worked a lot on the Soviet Union in the 1980s. Went to Perm Camp, like I said before. I befriended a man named Irwin Cotler, who was a senator in Canada and became the Minister of Justice there. His daughter, parenthetically, is the head of combating anti-semitism for the State of Israel. I met with her recently as well.

She told me a story about Natan Sharansky, who was one of the greatest human rights activists ever. And he was in Perm camp. Irwin Cotler became Sharansky's lawyer, he met with Gorbachev, you know, and it was very visible. When Sharansky learned that he had a lawyer it gave him renewed hope. Here he is languishing, and word gets back to him, Hey, you got a lawyer, and he's a very prominent Canadian. But he asked—this is Cotler, Senator Cotler. He asked Gorbachev—he wanted to know, Why did you let Sharansky out? And Gorbachev goes, Because every time I turned around somebody was raising the name "Sharansky." So I said, Okay, I don't know who this man is. Let him go.

Now, that won't always happen, but I think we have to realize—Ronald Reagan and Shultz, his Secretary of State, were famous for having a list—every time they met with a Soviet interlocutor, they would talk about releasing political prisoners and many got out. So we need to renew that, you know, when President Biden talks to Xi Jinping on those phone calls, go through some names. Say: We want—please, let them out. Don't plead, but you can use the word "please," I think. We've got to make that a priority for all of us, not just the China Commission. I just heard that story a couple of months ago about Gorbachev saying, That's why I let him go.

Anything further you would like to add before we conclude? You've been a great panel. So much leadership in this room. We do have a few statements for the record that will be included. The Southern Mongolian Human Rights Information Center, the International Campaign for Tibet, Ma Ju, Hong Kong Watch, Transitional Justice Working Group, Chinese Human Rights Defenders. Without objection, their statements will be made a part of the record.

Thank you so much. Your leadership is extraordinary and you give guidance. Pastor Pan is here from Taiwan. Okay, we could almost recognize everybody in this room for your leadership. So thank you. The hearing is adjourned.

[Whereupon, at 12:24 p.m., the hearing was concluded.]

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## **A P P E N D I X**

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## PREPARED STATEMENTS

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### PREPARED STATEMENT OF RANA SIU INBODEN

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Distinguished Commissioners, it is an honor to be a part of today's hearing.

The recent Universal Periodic Review of the People's Republic of China (PRC) at the United Nations Human Rights Council (HRC) provides an opportune time to assess the PRC's record and examine ways it is continuing to attempt to subvert the U.N. human rights system.<sup>1</sup> Beijing not only attempts to stymie a fair and thorough assessment of its human rights record by manipulating the Universal Periodic Review (UPR) of China, but it is working to impair the vitality of the U.N. human rights system in other ways as well.

China's assault on the U.N. human rights system comes in tandem with severe domestic repression that includes pervasive persecution of ethnic Uyghurs, including arbitrary detention; a crackdown on any form of dissent in Hong Kong; extensive state control and suppression in Tibet that includes forcibly removing children from their families; and an ongoing onslaught on human rights defenders through the use of black jails, extensive jail sentences, and forced disappearances.<sup>2</sup> Just as Beijing's policy toward the Uyghur community is said to be intended to "break their lineage, break their roots, break their connections and break their origins," the PRC also appears to be attempting to break the U.N. human rights system. The PRC's efforts to undermine robust human rights scrutiny of its record are intended to conceal its extensive human rights violations, including the politically motivated detention of individuals, such as Pastor Wang Yi, Uyghurs Ilham Tohti and Rahile Dawut, Tibetan Yeshe Choedron, human rights defenders Xu Zhiyong, Ding Jiayi and Gao Zhisheng, and the trial of Jimmy Lai in Hong Kong. These individual cases are not isolated ones, but rather are emblematic of the politically repressive landscape in China.

China's actions over the last decade show that the PRC has become intent on using its presence in the U.N. to alter international human rights norms and rewire the system in ways that will make it easier for states to escape scrutiny of their human rights records. There are several specific features of China's assault on the international human rights regime that I outline below.

#### MANIPULATING THE UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review was initially intended to ensure that every nation underwent routine human rights scrutiny before the international community.<sup>3</sup> It includes a three-and-a-half-hour session where representatives of the country under review appear in person to participate in a dialog that includes both a government presentation and an opportunity for questions from other nations during a session of the Human Rights Council. Other nations can also put forward recommendations for the government under review.<sup>4</sup> The UPR also relies on documentation submitted by the government in question, the United Nations, and civil society. The procedure

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<sup>1</sup> This was the PRC's 4th UPR with its previous review occurring in 2018.

<sup>2</sup> "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)," U.S. State Department, <https://www.State.gov/reports/2022-country-reports-on-human-rights-practices/china/>, accessed January 22, 2024.

<sup>3</sup> Due to the rotational nature, each nation usually undergoes review about every 4.5 years.

<sup>4</sup> The nation under review can accept, reject or note recommendations. Some nations, particularly China, have indicated that certain recommendations have already been implemented even though this has often not been the case.

was developed with a vision of vigorous scrutiny, yet the PRC has tried to render the UPR a meaningless exercise and actively works to whitewash its violations.<sup>5</sup>

One of China's key strategies toward this goal is soliciting fawning or softball comments from compliant nations in order to flood the proceedings with weak recommendations and perfunctory remarks. This was a strategy that the PRC initiated shortly after the HRC was formed in 2006. During the first round of the UPR, held during the first years of the Council, countries like China and Cuba heavily recruited (and at times pressured) other nations to sign up to speak during their reviews.<sup>6</sup> Speaking during the UPR is voluntary and ideally nations that are concerned about that country's human rights record should be able to have sufficient time to query the country under review, but the PRC and other authoritarian-leaning nations manipulated the process so that the speaking list is filled with many countries offering bland statements and insipid or meaningless recommendations.<sup>7</sup> In the lead-up to China's UPR in January 2024, according to Reuters, the PRC mission circulated a diplomatic note to other nations that read, "I would kindly request your delegation to render valuable support to China and make constructive recommendations in the interactive dialogue ... taking into account the friendly relations and cooperation between our two countries."<sup>8</sup> For developing countries, that are reliant on PRC economic assistance or other forms of support, the language "friendly relations and cooperation" could easily feel like pressure to ensure that they remain in the PRC's good graces. Beijing's machinations meant that during its January 2024 UPR 163 nations had signed up to speak, which meant that each country only had 45 seconds to deliver remarks.

Some of the statements delivered on the PRC's behalf not only congratulated the PRC about its economic development achievements, but even endorsed some of the PRC's rights-abusing policies. According to press reporting, the Chinese government also requested praise from at least a couple of (and possibly more) non-western countries and specifically suggested that they mention China's record on disability rights and women.<sup>9</sup> A number of countries also appeared to parrot the content in Beijing's state report and employed phrases from the Chinese government, particularly slogans used by Xi Jinping, such as "whole process people's democracy."<sup>10</sup> As a result, several delegations commended China for lifting 100 million people out of poverty and reaching some U.N. Sustainable Development goals ahead of schedule and recommended China share lessons with other developing countries, make progress in agriculture, continue to address rural development, and deforestation.<sup>11</sup>

In exchange for these dutiful remarks for Beijing, other rights-abusing nations appear to receive reciprocal treatment from China.<sup>12</sup> For example, Belarus put forward the following advance question, "China upholds that all ethnic groups are equal and works for all-round development of the cause of ethnic minorities. Would you please share the efforts and practices by the Chinese government in protecting the rights

<sup>5</sup>"China Attempts to 'gaslight' international community at U.N. human rights review," Amnesty International, January 23, 2024, <https://www.amnesty.org/en/latest/news/2024/01/china-attempts-to-gaslight-international-community-at-un-human-rights-review/>, accessed January 24, 2024.

<sup>6</sup>Other authoritarian nations, including Cuba, have also used this tactic.

<sup>7</sup>During the first round of the UPR, this PRC tactic resulted in time running out so that a number of countries did not get to deliver their statement. The queue was initially a physical one so China and other countries could see which delegations bothered to line up early.

<sup>8</sup>Emma Farge, "China lobbies countries to praise its rights record ahead of U.N. review," Reuters, January 22, 2024.

<sup>9</sup>Ibid.

<sup>10</sup>"China Review—45th Session, Universal Periodic Review," U.N. Web TV, <https://webtv.un.org/en/asset/k1z/k1z43db5bt>, accessed January 25, 2024. Although many observers see China as playing a destructive role in the international human rights system, India's UPR statement encouraged China to continue playing a constructive role in representing developing countries in the U.N. human rights system, including through 'reform' of multilateral institutions. For background on China's negative influence on the human rights system, see Sophie Richardson, "China's Influence on the Global Human Rights System," Brookings Institute, <https://www.brookings.edu/articles/chinas-influence-on-the-global-human-rights-system/>, accessed January 25, 2024.

<sup>11</sup>"China Review—45th Session, Universal Periodic Review," U.N. Web TV, <https://webtv.un.org/en/asset/k1z/k1z43db5bt>, accessed January 25, 2024. In response to the PRC's oft-repeated claims about the number of people lifted out of poverty, Dr. Sophie Richardson pointed out that the level of economic development might be due more to the PRC lifting its boot off the people enough to allow them to be economically productive. "World Report 2020: Live from the United Nations," Youtube, <https://www.youtube.com/watch?v=EhTUiley00A>, accessed January 27, 2024. This point also makes sense given that much of China's development occurred prior to Xi's reimposition of Mao-like State control.

<sup>12</sup>Rana Siu Inboden, *China and the International Human Rights Regime: 1982–2017* (Cambridge: Cambridge University Press, 2021), see Chapter 5.



of ethnic minorities,”<sup>13</sup> and in 2021 when Belarus underwent its UPR, the PRC stated that “it supported the achievements of Belarus in protecting human rights and its efforts to maintain its independence, sovereignty, security and development.”<sup>14</sup>

The PRC also manipulates the process by attempting to control and influence the information that is used for the UPR, including the compiled written information and civil society access to the proceedings. For example, while the PRC government claims to meet the UPR guideline of involving civil society and allowing for domestic consultations in developing the report that it submits to the United Nations, the organizations that were cited as having input into the PRC government report were government-affiliated ones.<sup>15</sup> As a result, the content of the PRC’s national report is divorced from the reality of the repression that Tibetans, Uyghurs, residents of Hong Kong, and human rights defenders face, as well as the overall surveillance and control that all Chinese citizens face.<sup>16</sup> Instead, China’s report was full of propaganda and blandishments and in its oral statement the PRC delegation claimed that China was one of the “safest countries in the world” and that the Chinese people “are the masters of their country and society.” The delegation further claimed that with the imposition of National Security Law in Hong Kong “the days of social disturbance and fear are over” and that “stability and order are restored” to the city.<sup>17</sup>

In addition, there have been instances when China has attempted to control the information compiled by the U.N. In 2018, when China was last reviewed, the PRC succeeded in temporarily removing critical submissions from Hong Kong, Tibetan, and Uyghur groups.<sup>18</sup> Given previous reports of the PRC pressuring or trying to influence the U.N. secretariat, it is highly likely that the PRC sought to ensure that the U.N.’s compilation did not include the August 2022 report on Xinjiang by the U.N. Office of the High Commissioner for Human Rights or mention of that report’s finding that the PRC’s actions in Xinjiang “may constitute international crimes, in particular crimes against humanity.”<sup>19</sup>

Finally, China attempts to crowd out independent civil society organizations with government-affiliated ones (often referred to as GONGO’s) through both the submission of information to the U.N. and even filling up the section allotted for NGO representatives to observe the UPR.<sup>20</sup> Moreover, GONGO representatives have at times

<sup>13</sup>“Advance Questions to China,” U.N. Human Rights Council, <https://www.ohchr.org/en/hr-bodies/upr/cn-index>, accessed January 25, 2024.

<sup>14</sup>U.N. Human Rights Council, “Report of the Working Group on the Universal Periodic Review, Belarus,” January 4, 2021, U.N. Doc. A/HRC/46/5. China also recommended that Belarus, “Continue to pursue the human rights development path suitable to its national conditions.”

<sup>15</sup>“Universal Periodic Review Fourth Cycle—China—Reference Documents,” U.N. Human Rights Council, <https://www.ohchr.org/en/hr-bodies/upr/uprcn-add-info-s45>, accessed January 25, 2024.

<sup>16</sup>U.N. Human Rights Council, “China National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21,” November 3, 2023, U.N. Doc. A/HRC/WG.6/45/CHN/1\*. Moreover, given Beijing’s pattern of using transnational repression and engaging in reprisals against human rights advocates who engage with the United Nations, independent Chinese civil society activists could justifiably fear consequences of putting forward statements or information for the UPR. U.N. Office of the High Commissioner for Human Rights, “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights—Report of the Secretary-General,” August 21, 2023, U.N. Doc. A/HRC/54/61, <https://www.ohchr.org/en/documents/reports/ahrc5461-cooperation-united-nations-its-representatives-and-mechanisms-field>. China is regularly cited in this annual report for engaging in reprisals.

<sup>17</sup>“China Review—45th Session, Universal Periodic Review,” U.N. Web TV, <https://webtv.un.org/en/asset/k1z/k1z43db5bt>, accessed January 25, 2024. The statement on the Hong Kong National Security Law was especially untrue given that this piece of legislation has been described as draconian and a threat to freedom in Hong Kong. Javier Hernandez, “Harsh Penalties, Vaguely Defined Crimes: Hong Kong’s Security Law Explained,” *New York Times*, June 30, 2020, <https://www.nytimes.com/2020/06/30/world/asia/hong-kong-security-law-explain.html>, accessed January 24, 2024.

<sup>18</sup>Sophie Richardson and Rana Siu Inboden, “Beijing Is Pouring Resources into Its U.N. Human Rights Review—All to Prevent Any Real Review from Taking Place,” *ChinaFile*, January 22, 2024, <https://www.chinafile.com/reporting-opinion/viewpoint/China-UPR>, accessed January 25, 2024.

<sup>19</sup>“OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China,” U.N. Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>, accessed January 22, 2024. On ways the PRC might apply pressure to the United Nations, see Rana Siu Inboden, “China, power and the United Nations Special Procedures: Emerging threats,” *Global Policy* (forthcoming).

<sup>20</sup>“Briefing Paper: Strategies for Making China’s 4th UPR Effective in Stopping Atrocity Crimes,” Chinese Human Rights Defenders, <https://www.nchrd.org/2023/12/briefing-paper->

attempted to intimidate independent human rights defenders at the United Nations.<sup>21</sup>

#### REJECTING OF THE UNIVERSALITY OF HUMAN RIGHTS NORMS

China is asserting positions that challenge the universality of international human rights norms.<sup>22</sup> One of the PRC's strategies in this regard is insisting that the "significance of national, and regional particularities and various historical, cultural and religious backgrounds must be borne in mind" in promoting international human rights.<sup>23</sup> The PRC repeatedly makes this point, including asserting that "There is no one-size-fits-all development path for human rights."<sup>24</sup> China employs this resistance to universal human rights standards to shield itself and other rights-abusing governments. For example, during an HRC Special Session on Iran related to the crackdown on the September 2022 protests, PRC Permanent Representative Chen Xu offered a statement that opposed the convening of a special session on Iran and called on other nations to "respect each countries' own choice of human rights development path (sic)."<sup>25</sup>

China does not merely express these views in its national documents and statements. Beginning in 2017, it also began proactively injecting these ideas into U.N. debates and texts, particularly HRC resolutions.<sup>26</sup> For example, the PRC's HRC resolutions on "The Contribution of Development to the Enjoyment of Human Rights" erodes universality by introducing the idea that the realization of human rights is contingent on economic development, particularly that the international community should "take into account different national realities, capacities, and levels of development."<sup>27</sup> Although economic development can support human rights, this position risks giving developing countries a pass on vigorous protection of political, civil and religious rights.<sup>28</sup> HRC resolutions convey the positions of the Council's members (or the majority of them) on human rights issues, and over time can alter other key aspects of the human rights regime, such as forming ideas about U.N. human rights priorities, the HRC's functioning and work, including the mandates of the HRC's independent experts.

#### REDEFINING THE SUBSTANCE OF THE HUMAN RIGHTS REGIME

Taking a page from the old Soviet Union Cold War playbook to undermine human rights, China is also seeking to shift consensus on the main content of the international human rights regime to focus on issues such as a "right to development" and an emphasis on the aid and assistance that is owed to the developing world

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strategies-for-making-chinas-4th-upr-effective-in-stopping-atrocity-crimes/, accessed January 25, 2024.

<sup>21</sup>See Human Rights Watch, *The Costs of International Advocacy: China's Interference with United Nations Human Rights Mechanisms* (Washington DC: Human Rights Watch, 2017), 18–20.

<sup>22</sup>Previously, there were sporadic PRC statements that offered some rhetorical acceptance of the universality of human rights. See Inboden, *China and the International Human Rights Regime*, 52–53 and 75.

<sup>23</sup>The PRC's language in rejecting the universality of international human rights norms is becoming sharper. In a submission to the UNHRC's Advisory Committee, the Chinese government stated that "Different countries have different historical and cultural traditions, levels of economic and social development and political systems, different human rights concepts and practices, and different priority areas and specific plans for human rights development." "Reply to the Questionnaire of the Human Rights Council Advisory Committee on the Role of Technical Assistance and Capacity Building in Fostering Mutually Beneficial Cooperation," PRC government, [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/TechnicalAssistance/China\\_English.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/TechnicalAssistance/China_English.pdf), accessed December 14, 2023.

<sup>24</sup>"Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on November 8, 2022," [http://un.china-mission.gov.cn/eng/fyrth/202211/t20221108\\_10834174.htm](http://un.china-mission.gov.cn/eng/fyrth/202211/t20221108_10834174.htm), accessed January 25, 2024.

<sup>25</sup>"35th Special Session of the Human Rights Council," U.N. Web TV, <https://webtv.un.org/en/asset/k11/k11bchotfp>, accessed January 22, 2024.

<sup>26</sup>For background on the PRC's introduction of these kinds of resolutions see Andréa Worden, "With Its Latest Human Rights Council Resolution, China Continues Its Assault on the U.N. Human Rights Framework," *China Change*, April 9, 2018, <https://chinachange.org/2018/04/09/with-its-latest-human-rights-council-resolution-china-continues-its-assault-on-the-un-human-rights-framework/>, accessed January 22, 2024.

<sup>27</sup>U.N. Human Rights Council, "The contribution of development to the enjoyment of all human rights, resolution" July 12, 2019, U.N. Doc. A/HRC/RES/41/19.

<sup>28</sup>Moreover, instead of using its economic wealth to benefit Chinese society, the CCP has used its growing wealth to build an extensive and draconian digital surveillance system.

from the Global North.<sup>29</sup> In this vein, the PRC has introduced and secured passage of resolutions on the right to development that include language on the obligations of developed countries to aid their less developed counterparts. For example, the PRC asserts that “Developed countries should honor their official development assistance commitments, help developing countries accelerate economic and social development, eradicate hunger and poverty, and ensure the right to survival and development.”<sup>30</sup> While development is a laudable goal, using the HRC to introduce the idea that the international system is unfair to under-developed nations diverts the HRC away from considering oppression such as torture or forced disappearance.<sup>31</sup> These PRC efforts further alter the *raison d’être* of the human rights regime away from protecting people from harm and preventing atrocities to a development forum.

The PRC’s rhetoric and resolutions also appear to be aimed at turning the HRC into a venue where a grievance culture prevails that creates divisions between the Global South and the Global North. China regularly claims that developing countries are unfairly targeted for human rights scrutiny. In response to the introduction of a resolution on Xinjiang, PRC Permanent Representative Chen Xu claimed that “today China is targeted, tomorrow it could be another developing country” and that “all country-specific resolutions are targeted at developing countries.”<sup>32</sup> The PRC’s claim about unfair scrutiny of developing countries is clearly aimed at trying to marshal developing world support to shield itself. China’s attempt to couch itself as a developing country is also incongruous with its assertions about its success in lifting people out of poverty and becoming a “moderately prosperous society.” In a similar vein, the HRC resolutions on the “Negative impact of the legacies of colonialism on the enjoyment of human rights” and “A Democratic and Equitable Order” appear intended to create rifts.<sup>33</sup> This tactic is ironic given the PRC’s neocolonial oppression of places and people groups such as Tibetans, Uyghurs and Hong Kong.

#### CORRODING HUMAN RIGHTS ACCOUNTABILITY PROCEDURES

The PRC is also among the nations weakening country-specific scrutiny, including country-focused resolutions, Special Procedures, and special sessions. For decades the PRC has taken aim at country-specific scrutiny, especially resolutions, that were aimed at its own record by calling for cooperation and dialog to advance human rights, but now its statements are much more insistent on “mutually beneficial cooperation” in lieu of accountability. It is also appropriating arguments about sovereignty to weaken international scrutiny. China’s statement on behalf of the Group of Friends in Defense of the Charter of the United Nations, a grouping that includes a number of rights-abusing governments, asserts that “there is no other option than cooperation, engagement, and national ownership,” in promoting human rights.<sup>34</sup> This group, which is comprised of 19 states, including Algeria, Belarus, Bolivia, Cambodia, China, Cuba, the Democratic People’s Republic of Korea, Equatorial Guinea, Eritrea, the Islamic Republic of Iran, the Lao People’s Democratic Republic, Mali, Nicaragua, the State of Palestine, the Russian Federation, Saint Vincent and the Grenadines, Syria, Venezuela, and Zimbabwe, is exploiting sovereignty to resist human rights accountability and weaken key tools.<sup>35</sup>

<sup>29</sup> See for example, U.N. Human Rights Council, “The contribution of development to the enjoyment of all human rights, resolution,” July 27, 2021, U.N. Doc. A/HRC/RES/47/11.

<sup>30</sup> PRC government, “Reply to the Questionnaire of the Human Rights Council Advisory Committee on the Role of Technical Assistance and Capacity Building in Fostering Mutually Beneficial Cooperation,” [https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/TechnicalAssistance/China\\_English.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/TechnicalAssistance/China_English.pdf), accessed December 14, 2023. The PRC has also sought to shift attention in the HRC toward issues that could be perceived as intended to sow further divisions between the Global South and the Global North, such as a resolution on the legacies of colonialism. U.N. Human Rights Council, “Negative Impacts of the legacies of colonialism on the enjoyment of human rights, resolution” 14 October 2021, U.N. Doc. A/HRC/RES/48/7.

<sup>31</sup> U.N. Human Rights Council, “Promotion of a democratic and equitable international order, resolution” October 15, 2021, U.N. A/HRC/RES/48/8.

<sup>32</sup> “51st session of the Human Rights Council,” U.N. Web TV, <https://webtv.un.org/en/asset/k1w/k1w9tube8v>, accessed January 25, 2024.

<sup>33</sup> U.N. Human Rights Council, “Promotion of a democratic and equitable international order, resolution,” October 15, 2021, U.N. Doc. A/HRC/RES/48/8.

<sup>34</sup> “Statement Delivered by H.E. Mr. Chen Xu, Ambassador Permanent Representative of the People’s Republic of China to the United Nations Office in Geneva, During the Interactive Dialogue on the Annual Report of the United Nations High-Commissioner for Human Rights,” The Group of Friends in Defense of the Charter of the United Nations, [https://www.gof-uncharter.org/\\_files/ugd/6140e8\\_b80ea090c64741b9b19f7b0df8e90745.pdf](https://www.gof-uncharter.org/_files/ugd/6140e8_b80ea090c64741b9b19f7b0df8e90745.pdf).

<sup>35</sup> The Group of Friends in Defense of the Charter of the United Nations, “About Us,” <https://www.gof-uncharter.org/about-us>, accessed December 14, 2023.

The Chinese government also asserts that human rights scrutiny that is not based on the consent of and cooperation with the government in question, is a violation of national sovereignty and constitutes interference in internal affairs.<sup>36</sup> China employed this position in its statement opposing the HRC resolution on Xinjiang, stating that the “so-called assessment” was not consented to by the PRC so it was “null and void.”<sup>37</sup> Similarly, in defense of Syria, the PRC issued the following statement: “China supports Syria in opposing external interference, opposing unilateral bullying, and safeguarding national independence, sovereignty and territorial integrity  
....”<sup>38</sup>

#### RECOMMENDATIONS

China is strongly motivated to continue this assault on the U.N. human rights regime because the ideals enshrined in the Universal Declaration of Human Rights present an existential threat to the CCP’s continued one-party rule. Even though a Chinese diplomat was involved in the drafting of this watershed document, the PRC now shows resistance to the U.N. human rights system. The U.N. human rights system emerged in the aftermath of the horrors of World War II, of the gulag and the Holocaust, and our Nation must again be prepared to advance the cause of protecting the rights of individuals around the world. Despite the U.N.’s flaws, the U.S. must remain engaged in it to prevent China and other authoritarian nations from coopting it.

As part of this effort, the U.S. Government should:

- Continue to utilize U.N. tools and commit to participation. Despite the U.N.’s manifest shortcomings, the U.S. can have a greater impact if it remains in the U.N. Human Rights Council and continues to stand for election as often as it can. American diplomats also did a laudable job of using the opportunity to put forward questions in advance of China’s January 2024 UPR by submitting 15 strongly worded questions, including one that asked about twenty-six prisoners of conscience.<sup>39</sup> In addition to continued membership in the HRC, the United States should also pursue participation and leadership in other bodies, including ones that appear primarily technical but that have human rights implications, such as the International Telecommunication Union (ITU).<sup>40</sup>
- Support independent civil society, especially Chinese human rights defenders. The U.N. human rights system relies heavily on independent human rights defenders being willing to report and communicate about the abuses they face and the situation in their country. The U.S. has important opportunities to bolster civil society, including by continuing to work with other nations to overcome China’s efforts to withhold U.N. consultative status from genuine civil society groups. Despite the severe level of repression there, I encourage the U.S. to persist in finding safe and resourceful ways to support and nurture activists in China. The U.S. must also consider ways to support those human rights defenders who seek exile because the persecution in China has grown too pervasive and abusive to withstand. This can be done through fellowships, research and small grants, as well as mental health support.
- Better protect people from PRC transnational repression, especially those who engage with the U.N. Federal level U.S. law enforcement agencies have begun to better understand the threat that the PRC poses to human rights activists in the United States through transnational surveillance, intimidation, and repression. These efforts must continue but also need to include state and local law enforcement. The U.S. Government should also ensure that Federal agencies have the resources they need to continue to investigate and halt PRC transnational repression efforts, such as overseas police stations.

<sup>36</sup>China also attacks the use of sanctions, referring to them as unilateral coercive measures. During the HRC’s 2022 special session on Iran, the PRC bemoaned that “UCM’s [unilateral coercive measures] have caused harm to Iran and other developing countries.”

<sup>37</sup>The PRC statement also appeared to describe it as an “illegal assessment.” “51st session of the Human Rights Council,” U.N. Web TV, <https://webtv.un.org/en/asset/k1w/k1w9tube8v>, accessed January 25, 2024.

<sup>38</sup>“Xi Jinping Meets with President of Syria Bashar al-Assad,” PRC Ministry for Foreign Affairs, [https://www.mfa.gov.cn/eng/zxxx\\_662805/202310/t20231008\\_11157381.html](https://www.mfa.gov.cn/eng/zxxx_662805/202310/t20231008_11157381.html), accessed December 14, 2023.

<sup>39</sup>“Advance Questions to China,” U.N. Human Rights Council, <https://www.ohchr.org/en/hr-bodies/upr/cn-index>, accessed January 25, 2024.

<sup>40</sup>Tom Wheeler, “The most important election you never heard of,” Brookings Commentary, August 12, 2022, <https://www.brookings.edu/articles/the-most-important-election-you-never-heard-of/>, accessed December 14, 2023.

- Counter the PRC's efforts to sow north-south divisions. The U.S. and many other western nations have been supportive of developing countries, including funding generous foreign aid programs. Yet the PRC's rhetoric and actions in the HRC is making it a divisive venue. The U.S. needs to find creative ways to puncture this false PRC narrative that developing nations are not supported by the west and that they receive unfair human rights scrutiny.
- Expand efforts with allies. The U.S. cannot defend the human rights system on its own and needs to prioritize working with other countries with a commitment to human rights. This should include both western nations as well as nations from other regions.<sup>41</sup> The U.S. has shown an ability to do this and in ECOSOC it partnered with 36 other countries to grant U.N. accreditation to NGOs that had been blocked by authoritarian governments from gaining accreditation. Because of this, cross-regional action organizations such as the Syrian American Medical Society Foundation and the Belarusian Helsinki Commission have been granted U.N. accreditation.<sup>42</sup>
- Support creative advocacy. While China and its allies attempt to drown out incisive human rights questions during the UPR and other formal U.N. proceedings, the U.S. should also match America's formal participation in the Human Rights Council by also supporting creative advocacy that helps elucidate China's human rights abuses. For example, the U.S. Mission in Geneva could organize a festival featuring films by Uyghurs, Tibetans and Hong Kong residents and host the immersive performance "Everybody Is Gone," which depicts the horrors of the detention camps in the Uyghur region.<sup>43</sup>

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<sup>41</sup>During China's UPR there were several non-western nations that raised important concerns about China's human rights abuses or made strong rights-friendly, such as Brazil, Chile and the Marshall Islands. See, "China Review—45th Session, Universal Periodic Review," U.N. Web TV, <https://webtv.un.org/en/asset/k1z/k1z43db5bt>, accessed January 25, 2024.

<sup>42</sup>"EU Statement—U.N. ECOSOC: Committee on NGO's," Delegation of the European Union to the United Nations in New York, [https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-ecosoc-committee-ngos\\_en](https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-ecosoc-committee-ngos_en), accessed December 14, 2023.

<sup>43</sup>"Everybody Is Gone," The New Wild, <https://www.thenewwild.org/everybody-is-gone>, accessed December 14, 2023.

## PREPARED STATEMENT OF BENEDICT ROGERS

Representative Smith, Senator Merkley, distinguished Commissioners, it is a privilege to have this opportunity to testify today at this important hearing, just over a week after the People's Republic of China (PRC)'s Universal Periodic Review at the United Nations in Geneva. I have been requested to focus my testimony on the situation of freedom of religion or belief in China today, and the situation in Hong Kong.

**Brief personal background and examples of harassment, intimidation, and threats received**

I have been involved with human rights in China, and especially freedom of religion or belief, for over 30 years, and worked in various capacities with the human rights organization Christian Solidarity Worldwide (CSW), which specializes in freedom of religion or belief for all, for much of the past 30 years. I have lived, worked, and traveled extensively throughout China and Hong Kong, visiting China regularly and living in Hong Kong for 5 years from 1997 to 2002. In October 2022, I published a new book, *The China Nexus: Thirty Years In and Around the Chinese Communist Party's Tyranny* (Optimum Publishing International, 2022), which includes chapters on the persecution of Christians in China, the genocide of the Uyghurs, the atrocities in Tibet, the persecution of Falun Gong and the practice of forced organ harvesting, as well as the crackdown on civil society, human rights defenders, dissidents, and journalists across China and the dismantling of Hong Kong's freedoms.

It is important to note that in October 2017 I was denied entry to Hong Kong on the orders of the regime in Beijing, becoming one of the first Westerners to be refused entry to Hong Kong,<sup>1</sup> and in March 2022, I and the organization I co-founded and lead, Hong Kong Watch, were threatened by the Hong Kong Police Force, accused of violating the National Security Law which Beijing imposed on Hong Kong in 2020.<sup>2</sup> I received two letters, one from both the Hong Kong Police Force and the National Security Department, informing me that the work of Hong Kong Watch, a UK-registered non-governmental organization (NGO), was a threat to China's national security and a violation of Hong Kong's National Security Law. The letters stated that unless we shut down our website and ceased our activities within 72 hours of receipt of these letters, I as the Chief Executive of the organization could face a fine of HK\$100,000 (US\$12,790) and a prison sentence. It is important to note that Hong Kong Watch has never had any presence on the ground in Hong Kong, any personnel or assets in Hong Kong itself, and these threats were explicitly issued exercising the extraterritoriality clause set out in Article 38 of the National Security Law.

More recently, on January 2nd of this year and on several occasions since then, I have been named by the prosecution in the National Security trial of the entrepreneur and pro-democracy campaigner Jimmy Lai (which I will detail later in my testimony) as a "collaborator." Messages from Jimmy Lai to me have been cited as evidence in the prosecution's case against him, including a message in 2019 asking me to request the last British Governor of Hong Kong, Lord (Chris) Patten of Barnes, to provide a comment to journalists from Mr. Lai's *Apple Daily* newspaper. It is standard and unquestionably legal for a newspaper to ask a politician for comments.

In addition, I have received numerous attempts at harassment and intimidation in the United Kingdom and elsewhere, including anonymous threatening letters stamped and postmarked from Hong Kong sent to my private home address, to my neighbors in the residential area where I live in London, and to my mother who lives in a different part of the country,<sup>3</sup> as well as anonymous email threats, includ-

<sup>1</sup>BBC, "UK 'concerned' as Hong Kong denies Benedict Rogers entry," 11 October 2017—<https://www.bbc.co.uk/news/uk-politics-41586529>. See also reports in *The Guardian* <https://www.theguardian.com/world/2017/oct/11/british-conservative-party-activist-benedict-rogers-hong-kong> and the statement by the UK Foreign Secretary at the time <https://www.gov.uk/government/news/foreign-secretary-expresses-concern-over-uk-national-denied-entry-to-hong-kong> and this question in the UK House of Commons: <https://www.youtube.com/watch?v=njHRQTak8Sg>. Congressman Smith also issued a statement at the time.

<sup>2</sup>BBC, "Briton accused of jeopardising China's security," 14 March 2022 <https://www.bbc.co.uk/news/uk-60732949>. See also *The Times*, "Hong Kong threatens British human rights activist," 14 March 2022 <https://www.thetimes.co.uk/article/hong-kong-threatens-british-human-rights-activist-3k5zvjdtk> and *The Guardian* report <https://www.theguardian.com/world/2022/mar/14/hong-kong-watch-rights-group-website-national-security-law-china-benedict-rogers>, as well as the statement by the UK Foreign Secretary at the time: <https://www.gov.uk/government/news/foreign-secretary-statement-on-hong-kong-watch-march-2022>.

<sup>3</sup>*South China Morning Post*, "Threatening letters sent from Hong Kong make British human rights activist 'more determined' to speak up for the city," 13 July 2018 <https://www.scmp.com/>

ing on one occasion a message when I was traveling in Canada disclosing the name of the hotel in Vancouver where I was due to stay.

For all these reasons, I take additional safety precautions when in the UK and traveling abroad. I have also been unable to visit Hong Kong or China since 2017 and would not even risk transiting in Hong Kong.

### **Freedom of religion or belief in China**

Freedom of religion or belief has always been suppressed and violated by the Chinese Communist Party (CCP) regime, ever since the founding of the PRC in 1949. At various times over the past 75 years the CCP has attempted to eradicate religion, and at other times control and restrict religious practice. Over the past 12 years of Chinese leader Xi Jinping's rule, the crackdown on freedom of religion or belief has intensified significantly. In particular, responsibility for policy on religious affairs has been centralized. Whereas in the past the situation for religious practice across the country varied, depending on the attitudes of the provincial or municipal governments, today, under Xi Jinping, there has been a new focus on religion at the highest levels of government.

Xi Jinping himself has made several speeches on religion, including in May 2015 to the Central United Front Conference held by the CCP's United Front Work Department (UFD), in which he introduced the principle of 'Sinicization of religion.' This policy requires religions in Mainland China to be independent of foreign influences and aligned to the CCP's goals and values and under the Party's control. "We must manage religious affairs in accordance with the law and adhere to the principle of independence to run religious groups on our own accord," Xi said. "Active efforts should be made to incorporate religions into socialist society."<sup>4</sup>

In a further speech at the National Conference on Religious Work in April 2016, Xi outlined the CCP's policies regarding religious activities, emphasizing that "religious affairs carry special importance" in the work of the CCP and the government and that the "relationship of national security and the unification of the motherland" has a place within "socialist religious theory with Chinese characteristics."<sup>5</sup> He added that "religious groups must adhere to the leadership of the Communist Party of China" and that the Party "should guide and educate the religious circle and their followers with the socialist core values."<sup>6</sup>

In his most recent speech about religious affairs, in 2021, according to a Chinese-language report on the website of the United Front Work Department of the Party's Central Committee, "Xi emphasized the need to further promote the Sinicization of China's religions, guide and support China's religions to be led by socialist core values and enhance the identification of religious people and believers with the great motherland, the Chinese nation, Chinese culture, the CPC and socialism with Chinese characteristics. Education on patriotism, collectivism and socialism should be carried out in religious circles, and education on the history of the Party, new China, reform and opening-up, and the development of socialism should be strengthened in a targeted manner, so as to guide religious figures and believers in cultivating and practicing socialist core values and promoting Chinese culture. It is necessary to adhere to the overall concept of national security, adhere to the principle of independence and self-management, and promote related work in a coordinated manner. The management of religious affairs on the internet should be strengthened. Outstanding problems affecting the healthy transmission of religion in China should be effectively addressed."<sup>7</sup>

Xi Jinping's campaign of the Sinicization of religion has nothing to do with healthy inculturation, adapting a religion to Chinese culture, but rather its objective is the total co-optation of religion to the CCP's agenda, aimed at absorbing religious

news/hong-kong/politics/article/2155147/threatening-letters-sent-hong-kong-make-british-human-rights. See also: *Hong Kong Free Press* <https://hongkongfp.com/2018/07/13/rights-activist-benedict-rogers-condemns-menacing-letters-sent-hong-kong-mother-neighbours/> as well as *The New Statesman* <https://www.newstatesman.com/politics/2018/09/hong-kong-threatening-letters-mailboxes> and *The Washington Examiner* <https://www.washingtonexaminer.com/politics/1250927/chinese-intimidation-comes-to-benedict-rogerss-mailbox/>.

<sup>4</sup> *The Guardian*, "President Xi Jinping warns against foreign influences on religions in China," 21 May 2015 <https://www.theguardian.com/world/2015/may/21/president-xi-jinping-warns-against-foreign-influence-on-religions-in-china>.

<sup>5</sup> The Sasakawa Peace Foundation, SPF China Observer, "Why Does the Xi Jinping Administration Advocate the 'Sinicization' of Religion," No. 8 2018/08/11 <https://www.spf.org/spf-china-observer/en/document-detail008.html>.

<sup>6</sup> *Hong Kong Free Press*, "Religious groups must 'adhere to the leadership of the Communist Party,' Pres. Xi Jinping," 24 April 2016 <https://hongkongfp.com/2016/04/24/religious-groups-must-adhere-to-the-leadership-of-the-communist-party-pres-xi-jinping/>.

<sup>7</sup> United Front Work Department of the CPC Central Committee, 6 December 2021 [https://www.zyztb.gov.cn/zyztb/2022-10/27/article\\_2022102720260292972.shtml](https://www.zyztb.gov.cn/zyztb/2022-10/27/article_2022102720260292972.shtml).

communities into the United Front to further the CCP's indoctrination, propaganda, surveillance and control. Any religious teachings that are not in conformity with the CCP's teachings must be discarded. As a consequence, religious leaders are restricted in what they can preach in their sermons, and—moreover—they are required to actively support and promote the CCP in their sermons.

A range of new regulations regarding religious affairs have been introduced in recent years, notably the revised Regulations on Religious Affairs which took effect on February 1, 2018. These regulations, according to CSW, strengthen State control over religious activities in mainland China, closing down the gray area in which unregistered churches had until then been tolerated by some local authorities. Unregistered 'house' churches and other independent religious groups are under increasing pressure to either register or disband. According to the China Aid Association, "non-government churches, called 'house churches,' have been outlawed completely. Many of them are ordered to join the official church system and submit to government censorship."<sup>8</sup>

Many Protestant pastors and Catholic priests have been arrested and imprisoned in recent years. A notable example is Pastor Wang Yi of Early Rain Church in Chengdu, Sichuan province, who was arrested in December 2018 along with his wife and 100 members of his congregation, and sentenced on December 26, 2019 to 9 years in prison. Pastor John Cao, a missionary working in Burma/Myanmar's Wa state, along the border with China, was arrested by authorities in Yunnan province in 2017 and sentenced to 7 years in prison in March 2018.

More recently, in July of last year CSW reported that three leaders of Linfen Covenant House Church (*Shengyue Jiayuan*)<sup>9</sup> in Shanxi province have been accused of forming a "criminal clique" and obtaining "illegal income," and of establishing an "illegal organization." In recent years there has been a notable increase in the number of religious leaders prosecuted with alleged fraud charges, which could carry a prison sentence of more than 10 years.<sup>10</sup>

On January 2d of this year, the Catholic bishop of Wenzhou, Bishop Peter Shao Zhumin, was arrested again and his whereabouts are unknown. He has been repeatedly arrested and detained multiple times in recent years.<sup>11</sup> According to Aid to the Church in Need, at least 20 Catholic priests were arrested in mainland China in 2023.<sup>12</sup>

Furthermore, hundreds of churches have been destroyed, crosses dismantled, and in state-controlled churches portraits of Xi Jinping and CCP propaganda banners are displayed alongside or sometimes instead of religious imagery. Surveillance cameras are installed to monitor the congregation, and minors under the age of 18 are prohibited from going to places of worship.

The persecution of Falun Gong continues. According to *Bitter Winter*, Falun Gong practitioners claim to have verified 209 cases of persecution to death in 2023, bringing the total documented number of victims killed to over 5,000 since 1999. On January 18, 2024, the European Parliament adopted a resolution on "the ongoing persecution of Falun Gong in Mainland China, notably the case of Mr. Ding Yuande."<sup>13</sup> The practice of forced organ harvesting, primarily from Falun Gong practitioners, continues. In 2019 an independent tribunal chaired by the British barrister Sir Geoffrey Nice, KC, who prosecuted former President of Serbia Slobodan Milosevic, concluded "beyond reasonable doubt" that this practice is continuing and that it constitutes a "crime against humanity," describing the PRC as "a criminal state."<sup>14</sup>

The Church of Almighty God (CAG), a new religious movement established in 1991, also continues to face brutal suppression and persecution. Categorized as an "evil cult" or "heterodox teaching" (*xie jiao*) by the CCP, along with Falun Gong and

<sup>8</sup>Evidence submitted by CSW and China Aid Association to the UK Conservative Party Human Rights Commission's China inquiry and cited in the report *The Darkness Deepens: The Crackdown on Human Rights in China 2016-2020* <https://conservativepartyhumanrightscommission.co.uk/wp-content/uploads/2021/01/CPHRC-China-Report.pdf>.

<sup>9</sup>Church members have established this blog in Chinese <https://jiayuan.homes/>.

<sup>10</sup>CSW, "House church leaders prosecuted as 'criminal clique'," 5 July 2023 <https://www.csw.org.uk/2023/07/05/press/6034/article.htm>.

<sup>11</sup>*UCANews*, "Arrested dissident Chinese bishop remains untraced," 8 January 2024 <https://www.ucanews.com/news/arrested-dissident-chinese-bishop-remains-untraced/103748>.

<sup>12</sup>Aid to the Church in Need, "Record number of priests arrested, kidnapped or murdered in 2023," 17 January 2024 <https://acnuk.org/news/international-record-number-of-priests-arrested-kidnapped-or-murdered-in-2023/>.

<sup>13</sup>*Bitter Winter*, "The European Parliament Condemns China for Persecuting Falun Gong, Mentions Organ Harvesting Again," 22 January 2024 <https://bitterwinter.org/the-european-parliament-condemns-china-for-persecuting-falun-gong-mentions-organ-harvesting-again/>.

<sup>14</sup>The China Tribunal judgment <https://chinatribunal.com/>.



other groups, it claims that since 2011 at least 400,000 of its members have been arrested and over 159 killed.<sup>15</sup>

In regard to the ‘*xie jiao*’ regulations, CSW stated in a January 2024 briefing that: “The Supreme People’s Court and the Supreme People’s Procuratorate interpreted ‘*xie jiao*’ as ‘*illegal organisations, which, through fraudulent use of religion, qi gong, or any other name, by defying and promoting their ringleaders, or by fabricating and spreading superstitious fallacies to confuse and deceive others, grow membership and control group members, and harm society.*’ Such a vague definition gives the authorities power to target legitimate religious activities. A lawyer recalled a case where a house church pastor was accused for their ‘unbiblical teaching’ on suspicion of ‘spreading superstition.’ Much to his amusement, the evidence produced was a doctrine document provided by a pastor affiliated with the government-approved Three Self Patriotic Movement (TPSM).”<sup>16</sup>

According to CSW, “in July 2022, China’s Anti-Xie Jiao Association published an article listing 25 groups which the author claims have been designated ‘*xie jiao*’ by ‘relevant national departments’ since the 1980’s. This is not an official document, and there are no official government or legal documents defining any particular group as ‘*xie jiao*’ that are accessible to the public. The process by which public security, procuratorate and courts identify ‘*xie jiao*’ appears to be completely arbitrary. Some groups are frequently targeted while others in the same region are largely left alone. Some house church leaders receive a fine while others are arrested and handed harsh prison sentences with a ‘*xie jiao*’ label.”

In Tibet, atrocities continue, with Tibetan Buddhists’ religious practice tightly controlled. There are ongoing reports of Tibetan Buddhist monasteries and other institutions being intrusively monitored, disrupted or closed, property confiscated and monks arrested and detained. One of the most egregious practices which has recently gained some international attention is the use of colonial-style boarding schools in which almost a million Tibetan children, almost 80 percent of the population, have been coercively separated from their families and indoctrinated into Han Chinese language and culture and CCP ideology, cut off from their Buddhist religion, Tibetan culture and their families and communities in a form of cultural genocide.<sup>17</sup> In February 2023, U.N. experts expressed their concerns about this large-scale program of forced assimilation.<sup>18</sup> The CCP is actively pursuing a campaign to rename Tibet as “*Xizang*,” the Chinese name for the region, in an attempt to eradicate Tibet’s identity.<sup>19</sup>

Finally, the most egregious of the litany of violations of freedom of religion or belief and the many atrocity crimes which are being perpetrated by the CCP is the genocide of the predominantly Muslim Uyghurs and other Turkic ethnic groups in Mainland China’s western region of Xinjiang, which is also known as East Turkestan. This has been recognized as a genocide by both the previous and current U.S. Secretary of State, several Parliaments around the world, and in December 2021 by the independent Uyghur Tribunal, chaired by British barrister Sir Geoffrey Nice, KC.<sup>20</sup>

In addition to the well-documented use of forced abortions, forced sterilization, forced labor, torture, sexual violence, and the incarceration of at least a million Uyghurs in prison camps in Xinjiang, the Uyghurs are subjected to widespread violations of freedom of religion or belief. Uyghur Muslim men may be arrested if they have a beard beyond a certain length and women could be targeted if they wear a headscarf. Basic religious practices such as praying, fasting, going to the mosque, reading the Quran, or abstaining from pork or alcohol can result in arrest and imprisonment. Many mosques have been either closed, desecrated or destroyed.

The crackdown on Muslims now extends beyond Xinjiang. In November 2023, Human Rights Watch reported that “the Chinese government is significantly reduc-

<sup>15</sup> Evidence submitted to the UK Conservative Party Human Rights Commission’s China inquiry and cited in the report *The Darkness Deepens: The Crackdown on Human Rights in China 2016–2020* <https://conservativepartyhumanrightscommission.co.uk/wp-content/uploads/2021/01/CPHRC-China-Report.pdf>.

<sup>16</sup> CSW, Briefing: ‘Socialist rule of law’ in China, 16 January 2024 <https://www.csw.org.uk/2024/01/16/report/6149/article.htm>.

<sup>17</sup> *Foreign Affairs*, “Erasing Tibet”, by Tenzin Dorjee and Gyal Lo, 28 November 2023 <https://www.foreignaffairs.com/south-asia/erasing-tibet#:~:text=>.

<sup>18</sup> United Nations, “UN experts alarmed by separation of 1 million Tibetan children from families and forced assimilation at residential schools,” 6 February 2023 <https://www.ohchr.org/en/press-releases/2023/02/china-un-experts-alarmed-separation-1-million-tibetan-children-families-and>.

<sup>19</sup> *Newsweek*, “China is slowly erasing Tibet’s name,” 14 November 2023 <https://www.newsweek.com/china-changing-tibet-english-name-1843391>.

<sup>20</sup> Uyghur Tribunal judgment <https://uyghurtribunal.com/>.

ing the number of mosques in Ningxia and Gansu provinces under its ‘mosque consolidation’ policy, in violation of the right to freedom of religion.” According to Human Rights Watch, “Chinese authorities have decommissioned, closed down, demolished, and converted mosques for secular use as part of the government’s efforts to restrict the practice of Islam. The authorities have removed Islamic architectural features, such as domes and minarets, from many other mosques.”<sup>21</sup>

Whether you are a Christian, a Muslim, a Buddhist, a Falun Gong practitioner, or practice another religion or belief, in mainland China today it is increasingly difficult and dangerous to practice your faith. In March 2019, the then U.S. Ambassador-at-Large for International Religious Freedom, Ambassador Sam Brownback, said in a speech at the Foreign Correspondents’ Club in Hong Kong that “the Chinese government is at war with faith. It’s a war they will not win. The Chinese Communist Party must hear the cry of its people for religious freedom.”<sup>22</sup>

### Hong Kong

In the U.N. Universal Periodic Review (UPR) of China on January 23rd this year, 18 U.N. Member States raised recommendations on Hong Kong at the United Nations, including the United States and the United Kingdom, principally calling for the repeal of the National Security Law. This is a welcome step.<sup>23</sup>

The U.S. urged Beijing to “cease harassment, surveillance, and threats against individuals abroad and in China including Xinjiang, Tibet, and Hong Kong ... repeal vague national security, counter-espionage, counter-terrorism, and sedition laws, including the National Security Law in Hong Kong ... end repressive measures against women, LGBTQI+ persons, laborers, and migrant workers, including in Hong Kong and Macau.” The U.S. also condemned the ongoing genocide and crimes against humanity in Xinjiang, as well as the CCP’s transnational repression aimed to silence Hong Kongers, Uyghur Muslims, Tibetans and other Chinese dissidents abroad.<sup>24</sup>

In 2022, the U.N. Human Rights Committee recommended the repeal of the Hong Kong National Security Law and found the Hong Kong government in violation of its international legal obligations. Similarly, in 2023, the U.N. Committee on Economic, Social and Cultural Rights and the U.N. Committee on the Elimination of Discrimination against Women also raised concerns regarding the Hong Kong National Security Law’s violations of human rights, among other violations of rights and freedoms in Hong Kong.

The UPR and previous U.N. Committee recommendations exemplify how over the past decade and especially since the imposition of the draconian National Security Law in Hong Kong, the CCP has dismantled Hong Kong’s freedoms, the rule of law, and autonomy in total breach of its promises under the 1984 Sino-British Joint Declaration which paved the way for Hong Kong’s handover to Beijing in 1997. The CCP has also continued to be in complete violation of Hong Kong’s obligations as a party to the ICCPR, as well as Hong Kong’s own mini-constitution, the Basic Law, and the ‘one country, two systems’ principle. Freedom of expression, particularly media freedom, freedom of assembly and association, and the right to democratic participation in politics have all been almost completely destroyed. There are over 1,000 political prisoners in Hong Kong, and over 68 civil society organizations have been forced to close. In Hong Kong today, it is almost impossible to operate openly as a civil society organization if you are engaged in any activity that might be regarded as ‘political.’ In addition, as Hong Kong Watch documents in its November 2023 report “*Sell Out My Soul: The Impending Threats to Freedom of Religion or Belief in Hong Kong*,” freedom of religion or belief in Hong Kong is now being undermined.<sup>25</sup>

<sup>21</sup> Human Rights Watch, “China: Mosques Shuttered, Razed, Altered in Muslim Areas,” 22 November 2023 <https://www.hrw.org/news/2023/11/22/china-mosques-shuttered-razed-altered-muslim-areas#:~:text=>.

<sup>22</sup> International Christian Concern, “Ambassador Brownback: China is At War With Faith,” 10 March 2019 <https://www.persecution.org/2019/03/10/Ambassador-brownback-china-war-faith/>.

<sup>23</sup> Hong Kong Watch, “Hong Kong Watch welcomes Recommendations on Hong Kong at the U.N. Universal Periodic Review,” 23 January 2024 <https://www.hongkongwatch.org/all-posts/2024/1/23/hong-kong-watch-welcomes-recommendations-on-hong-kong-at-the-un-universal-periodic-review>.

<sup>24</sup> Hong Kong Watch, “Hong Kong Watch welcomes Recommendations on Hong Kong at the U.N. Universal Periodic Review,” 23 January 2024 <https://www.hongkongwatch.org/all-posts/2024/1/23/hong-kong-watch-welcomes-recommendations-on-hong-kong-at-the-un-universal-periodic-review>.

<sup>25</sup> Hong Kong Watch, “*Sell Out My Soul: The Impending Threats to Freedom of Religion or Belief in Hong Kong*,” 7 November 2023 <https://www.hongkongwatch.org/all-posts/2023/11/7/hong-kong-watch-launches-groundbreaking-new-report-on-threats-to-freedom-of-religion-or-belief-in-hong-kong>.

In Hong Kong today it is fair to say that freedom of worship, narrowly defined, remains intact. People are still free to go to church, to the mosque, to the synagogue or temple. Religious believers can still access the Bible, the Quran or other religious scriptures and educational materials. Unlike in mainland China, persecution of religion, including the dismantling of crosses, closure, destruction or desecration of places of worship, and the arrest and imprisonment of religious leaders and practitioners because of their religious practice is not occurring. However, there are clear signs of violations of freedom of religion or belief and early warning signs of worse to come.

There are four main indicators of threats to freedom of religion or belief in Hong Kong:

- The impact of the National Security Law and potential new restrictive, repressive laws to come, such as Article 23;
- Self-censorship;
- The impact on the education sector, and particularly church-run schools;
- Beijing's campaign of Sinicization of religion and the "patriotism" test.

The undermining of freedom of religion or belief in Hong Kong is subtle, slow and insidious. It involves the creation of a "chill" factor which results in religious leaders themselves making compromises. Christian clergy will now avoid certain topics in their sermons and will certainly not touch on anything that hints of human rights, justice, or freedom. In August 2020, Cardinal John Tong—Apostolic Administrator of the Hong Kong Catholic Diocese at the time—instructed all Catholic priests to "watch your language" when preaching and avoid "political" issues. Since 2022, the Catholic Church in Hong Kong has stopped the annual commemorative masses which used to be held in parishes to mark the 1989 Tiananmen Square massacre. One Protestant pastor who has left Hong Kong claims his church removed all his sermons from the past 30 years from its website, and that many churches no longer share sermons online.

At least three prominent pastors, including Hong Kong's 91-year-old Bishop Emeritus, Cardinal Joseph Zen, have been arrested. One, Pastor Garry Pang, was convicted of sedition and sentenced to 1 year in jail. Another, Roy Chan, went into exile but his church, which had provided pastoral support and sanctuary to pro-democracy protesters in 2019, was raided by the police, and HSBC froze his and the church's bank accounts. Of course these cases relate to what may be regarded as "political" rather than "religious" activities, but the individuals concerned were acting according to their consciences, informed and inspired by their religious beliefs. The ability of anyone in Hong Kong today to follow their conscience is now severely curtailed.

Perhaps as many as 60 percent of government-funded schools in Hong Kong are church-run, whether by Catholic, Anglican, Lutheran or other denominations. Like all schools in the city, faith-based schools are required to introduce National Security Law education and promote Beijing's propaganda in the curriculum. According to one Protestant pastor, faith-based schools are now "diluting their religious education." School boards are believed to be infiltrated by CCP sympathizers, eroding their faith-based ethos. Many of these church-run schools are associated with parishes, and that spells a potential threat to the churches themselves—parishes could be held responsible if the school does not comply with the National Security Law, and could then be shut down as a result.

Xi's campaign of Sinicization of religion is now creeping into Hong Kong, with at least three conferences between Hong Kong's religious leaders and representatives of Beijing's religious affairs apparatus. Even Hong Kong's new Cardinal, Stephen Chow, has called on Hong Kong Catholics to be "patriotic," which is a euphemism for surrender to and co-optation into the CCP.

In some respects, this is inevitable. Once Beijing exerted direct control of Hong Kong, the death knell for religious freedom was sounded. First, freedom itself is indivisible. When freedom of expression, assembly, and association are dismantled, freedom of religion—which is interlinked and interdependent on other basic freedoms—is unsustainable. Second, because the regime in Beijing has always been hostile to religion, and at various times since 1949 has sought either to eradicate, repress, control, coerce, or co-opt religion. Beijing's hostility to religion in Hong Kong is likely exacerbated by the fact that many of the city's pro-democracy activists are people of faith. From the father of the democracy movement Martin Lee to the founder of the now closed *Apple Daily* newspaper Jimmy Lai, who faces the rest of his life in jail, and from the organizer of the 2014 Occupy Central demonstrations Benny Tai, who also initiated the 2020 pro-democracy primaries to choose candidates for the Hong Kong Legislative Council and is now serving a long prison sentence, to the teenage activist Joshua Wong and the Reverend Chu Yiu-ming, people

of faith were at the forefront of the city's fight for freedom. Let us not forget, in 2019 for a time, one of the anthems of the protesters was "Sing Hallelujah to the Lord."

Where will all this lead? Strangulation of religious freedom by stealth. Pro-Beijing media in Hong Kong has already sounded the warnings, publishing articles last year attacking religion from various angles and calling for new regulations to restrict religious practice and establish a government department to vet, license and monitor religious groups.

Beijing is unlikely to use headline-grabbing physical repression against religious groups in Hong Kong because, despite the dismantling of its freedoms and autonomy, it is still an international financial center with a degree of global scrutiny and foreign presence. Instead, it is opting for coercion, co-optation and forcible compromise of conscience.

As one religious scholar from Hong Kong puts it, "the most violent form of attack on religious freedom is not necessarily the burning of churches and the killing of believers, for the persecutors kill the bodies but not the souls. Rather, the more dangerous and insidious attack on a religion could be its corruption from within, so that its believers can only practice the faith in name rather than in essence. In this regard, the CCP is about to use the latter strategy to attack religious freedom in Hong Kong." Beijing can restrict religious freedom in Hong Kong by "exerting total control on churches without closing them."

For this reason, the international community must monitor the situation closely. New repressive laws in Hong Kong—likely to be introduced in the coming months—should be analyzed for their impact on freedom of religion or belief. Diplomats in Hong Kong should engage with religious communities in the city, and people of conscience should speak out for people of faith in Hong Kong, when they are no longer able to speak for themselves.

As a leader in championing freedom of religion or belief worldwide, the U.S. should pay close attention to the practice of freedom of religion or belief in Hong Kong and continue to pressure the CCP and the Hong Kong authorities to abide by international human rights law. In its *2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)*—Hong Kong, the U.S. Department of State noted, "For the first time in 33 years, Hong Kong Catholic churches did not hold memorial masses on June 4 for the victims of the 1989 massacre, out of concern the masses would be deemed a violation of the National Security Law (NSL)."

The U.S. Department of State also raised concern following credible evidence of "arbitrary arrest and detention; political prisoners or detainees; cruel or degrading treatment or punishment by government agents; transnational repression against individuals outside of Hong Kong; serious problems regarding the independence of the judiciary; arbitrary interference with privacy; serious restrictions on freedom of expression and media, including unjustified arrests or prosecutions of journalists and censorship; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; restrictions on freedom of movement and on the right to leave the territory; the inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government restrictions on domestic and international human rights organizations; and significant restrictions on workers' freedom of association, including coercive actions against independent trade unions and arrests of labor union activists." The U.S. should continue to observe the practice of these freedoms in Hong Kong, especially given the increasing threat to the freedom of religion or belief in the city.<sup>26</sup>

Finally, let me end with some brief words on the trial of Jimmy Lai, which began on December 18th last year and is underway as we speak.

Hong Kong's plight is illustrated most starkly with the trial of Jimmy Lai, the 76-year-old Hong Kong entrepreneur, media tycoon, and pro-democracy activist who has spent the past 3 years of his life in prison and may well remain there until he dies. He is accused of conspiring to collude with foreign forces, a crime under the National Security Law, and publishing allegedly seditious materials. In reality he is charged, as the head of his international legal team Caoilfhionn Gallagher, KC puts it so brilliantly, with the crimes of conspiracy to commit journalism, for daring to publish stories and opinions which Beijing dislikes, conspiracy to talk about poli-

<sup>26</sup> U.S. Department of State, "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)—Hong Kong," 20 March 2023 [https://www.State.gov/wp-content/uploads/2023/03/415610\\_HONG-KONG-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.State.gov/wp-content/uploads/2023/03/415610_HONG-KONG-2022-HUMAN-RIGHTS-REPORT.pdf).

tics to politicians, and conspiracy to raise human rights concerns with human rights organizations.

As mentioned, on January 2nd and on several occasions during the court proceedings since, I have been named as one of a number of foreigners with whom Mr. Lai had communicated or collaborated with. According to media reports, in court the prosecution displayed a chart labeled “Lai Chee-ying’s external political connections,” showing headshots of me, several other British citizens, and several U.S. officials, including the former U.S. Consul General to Hong Kong Ambassador James Cunningham, former U.S. Army General Jack Keane, and former U.S. Deputy Defense Secretary Paul Wolfowitz. Several foreign “co-conspirators” have also been named, including the U.S.-born financier and campaigner Bill Browder, who leads the Global Magnitsky Justice Campaign, and U.S. citizen Mark Simon, Mr. Lai’s closest aide.

On January 22nd, the day before the UPR, four U.N. experts—including the U.N. Special Rapporteurs on torture and other cruel, inhuman or degrading treatment of punishment; on the protection and promotion of freedom of opinion and expression; on the independence of judges and lawyers; on the rights of freedom of peaceful assembly and of association—called for all charges against Jimmy Lai to be dropped and for his immediate release.<sup>27</sup> In its recommendations to the UPR, the United Kingdom made the same call.

The outrageous imprisonment and prosecution of Jimmy Lai is emblematic of the CCP’s all-out assault on human rights, including freedom of expression and freedom of religion or belief. Jimmy Lai is a devout Catholic who, while not specifically in prison for his faith, certainly was motivated and inspired by his faith to campaign for freedom and democracy.

At the start of the trial of Jimmy Lai in December 2023, the U.S. Department of State released a statement condemning Mr. Lai’s trial and calling for his release and the release of “all others imprisoned for defending their rights.” Responding to the deteriorating situation in Hong Kong more generally, the statement also says, “We urge Beijing and Hong Kong authorities to respect press freedom in Hong Kong. Actions that stifle press freedom and restrict the free flow of information—as well as Beijing and local authorities’ changes to Hong Kong’s electoral system that reduce direct voting and preclude independent and pro-democracy party candidates from participating—have undermined Hong Kong’s democratic institutions and harmed Hong Kong’s reputation as an international business and financial hub.”<sup>28</sup> The United States should continue to speak out for him, monitor his trial closely, and demand an end to the prosecution and his immediate and unconditional release.

Thank you again for this opportunity and for your continued leadership on these issues.

<sup>27</sup> Hong Kong Watch, “Hong Kong Watch welcomes U.N. experts’ call for immediate release of Jimmy Lai ahead of UPR,” 22 January 2024 <https://www.hongkongwatch.org/all-posts/2024/1/22/hong-kong-watch-welcomes-un-experts-call-for-immediate-release-of-jimmy-lai-ahead-of-upr>.

<sup>28</sup> U.S. Department of State, “Trial of Jimmy Lai Under the Hong Kong National Security Law,” 17 December 2023 <https://www.State.gov/trial-of-jimmy-lai-under-the-hong-kong-national-security-law/>.

## PREPARED STATEMENT OF EMILE DIRKS

Representative Smith, Senator Merkley, and distinguished Members of the Commission, thank you for holding this important hearing on the state of human rights in the People's Republic of China and for the opportunity to testify. The conclusion of the United Nations Human Rights Council's Universal Periodic Review (UPR) Working Group's review of China provides an excellent opportunity to reflect on the current State of human rights in China.

My testimony today draws upon the work of myself and other researchers at The Citizen Lab. The Citizen Lab is an interdisciplinary research laboratory based at the Munk School of Global Affairs & Public Policy at the University of Toronto, focused on research, development, and strategic policy and legal engagement at the intersection of information and communication technologies, human rights, and global security.<sup>1</sup> Citizen Lab research has explored transnational repression, spyware, censorship, algorithmic policing, and biometric surveillance.<sup>2</sup>

Today I will focus my remarks on a particular aspect of China's human rights record: Chinese state-backed online censorship. My testimony will highlight three key points concerning online censorship. One, state-backed online censorship profoundly impacts Chinese citizens' freedom of opinion and expression, as well as the freedom of opinion and expression of those accessing the internet from within China or using China-accessible online platforms. Two, both Chinese and U.S. companies contribute to online censorship on China-accessible platforms. And three, online censorship is linked to repression inside China and transnational repression outside China, both of Chinese citizens and Chinese, Hong Kong, Uyghur, Tibetan, and other diaspora members.

Drawing on these three points, I will conclude with three recommendations for how the U.S. Government can demand accountability from perpetrators and provide assistance to victims. One, the U.S. Government should publicly request that Microsoft, Apple, and other U.S. companies explain how they implement political and religious censorship on their platforms in China. Two, the U.S. Government should publicly request that Microsoft explain how political and religious censorship was applied to the search suggestions of users outside China and what safeguards will ensure that this will not reoccur. And three, the U.S. government should provide training to relevant U.S. government officials, including law enforcement and immigration authorities, to recognize digital transnational repression and properly assist victims and their families.

### Part One: State-Backed Online Censorship

The Chinese government severely restricts Chinese citizens' freedom of opinion and expression through online censorship, as detailed by the United Nations Committee on Economic, Social and Cultural Rights and stakeholders' submissions for China's most recent periodic review.<sup>3</sup> Using a sophisticated filtering system known as the "Great Firewall," authorities block access to thousands of websites which provide information which challenges the preferred narratives of the Chinese government.<sup>4</sup>

<sup>1</sup>"About The Citizen Lab," The Citizen Lab, <https://citizenlab.ca/about/>.

<sup>2</sup>Noura Al-Jizawi, Siena Anstis, Sophie Barnett, Sharly Chan, Niamh Leonard, Adam Senft, and Ron Deibert, "Psychological and Emotional War: Digital Transnational Repression in Canada," The Citizen Lab, March 1 2022, <https://citizenlab.ca/2022/03/psychological-emotional-war-digital-transnational-repression-canada/>; Bill Marczak, John Scott-Railton, Bahr Abdul Razzak, and Ron Deibert, "Triple Threat: NSO Group's Pegasus Spyware Returns in 2022 with a Trio of iOS 15 and iOS 16 Zero-Click Exploit Chains," The Citizen Lab, April 18 2023, <https://citizenlab.ca/2023/04/nso-groups-pegasus-spyware-returns-in-2022/>; Jeffrey Knockel, Jakub Dalek, Levi Meletti, and Ksenia Ermoshina, "Not OK on VK: An Analysis of In-Platform Censorship on Russia's VKontakte," The Citizen Lab, July 26 2023, <https://citizenlab.ca/2023/07/an-analysis-of-in-platform-censorship-on-russias-vkontakte/>; Kate Robertson, Cynthia Khoo, and Yolanda Song, "To Surveil and Predict: A Human Rights Analysis of Algorithmic Policing in Canada," The Citizen Lab, September 1 2020, <https://citizenlab.ca/2020/09/to-surveil-and-predict-a-human-rights-analysis-of-algorithmic-policing-in-canada/>; Emile Dirks, "Mass Iris Scan Collection in Qinghai: 2019–2022," The Citizen Lab, December 14 2022, <https://citizenlab.ca/2022/12/mass-iris-scan-collection-in-qinghai/>.

<sup>3</sup>Committee on Economic, Social and Cultural Rights, "Concluding observations on the third periodic report of China, including Hong Kong, China, and Macao, China," United Nations Social and Economic Council, March 22 2023, <https://documents.un.org/doc/undoc/gen/g23/048/63/pdf/g2304863.pdf?token=FHXzbyZoVrkAggrFCD&fe=true>; Office of the United Nations High Commissioner for Human Rights, "Summary of stakeholders' submissions on China," United Nations Human Rights Council, November 30 2023, <https://documents.un.org/doc/undoc/gen/g23/238/40/pdf/g2323840.pdf?token=lBtK9ZRWexo15WMxLo&fe=true>.

<sup>4</sup>"China: Freedom on the Net 2023," Freedom House, 2023, <https://freedomhouse.org/country/china/freedom-net/2023>.

One of the clearest measurements of state-mandated censorship comes from Great Firewall Watch, a platform created by researchers at Stony Brook University, the University of Massachusetts—Amherst, the University of California, Berkeley, and The Citizen Lab at the University of Toronto.<sup>5</sup> Since its inception in March 2020, GFWatch.org has discovered more than 640,000 blocked domains.<sup>6</sup> GFWatch.org can also be used to test whether a particular domain is accessible within China.<sup>7</sup> Blocked domains include the website of the congressional-Executive Commission on China, as well as the websites of groups whose members have previously testified before the Commission, including Tibet Action Institute, Human Rights Watch, Hong Kong Democracy Council, Uyghur Human Rights Project, and the Australian Strategic Policy Institute.

Blocking websites is not the only way that the Chinese government attempts to restrict freedom of opinion and expression. Online censorship is pervasive even on platforms accessible in China. Numerous Chinese government offices participate in online censorship, including the Cyberspace Administration of China and the Ministry of Public Security. To clarify what broad categories of online materials are prohibited, the Chinese government has issued a number of documents, including the *Measures for the Administration of Security Protection of Computer Information Networks with International Interconnections* (1997), the *Cybersecurity Law* (2017), *Norms for the Administration of Online Short Video Platforms and Detailed Implementation Rules for Online Short Video Content Review Standards* (2019), and *Provisions on the Governance of the Online Information Content Ecosystem* (2020).<sup>8</sup> Prohibited content listed in these documents includes “content harming the image of revolutionary leaders or heroes and martyrs” and information which is “damaging the reputation or interests of the state” or “detrimental to State religious policies, propagating heretical or superstitious ideas.”<sup>9</sup> The Chinese government also routinely conducts “internet purification campaigns” by which State organs compel websites, platforms, and accounts to remove prohibited content and punish violators through warnings or administrative or criminal penalties.<sup>10</sup>

Yet while government authorities stipulate what broad categories of content are prohibited, it is technology companies which are responsible for day-to-day censorship. Technology companies operating in China are required to ensure that content which appears on their platforms complies with legal requirements or political directives from the Chinese State. Companies which fail to moderate content on their platforms can be fined or have their business licenses revoked.<sup>11</sup> This form of intermediary liability or corporate “self-discipline” is a characteristic feature of information control and online censorship in China.<sup>12</sup>

Citizen Lab researchers have discovered over 60,000 censorship rules on eight China-accessible search platforms: Baidu, Baidu Zhidao, Bilibili, Microsoft Bing,

<sup>5</sup>Nguyen Phong Hoang, “GFWatch: A Longitudinal Measurement Platform Built to Monitor China’s DNS Censorship at Scale,” The Citizen Lab, November 4, 2021 <https://citizenlab.ca/2021/11/gfwatch-a-longitudinal-measurement-platform-built-to-monitor-chinas-dns-censorship-at-scale/>

<sup>6</sup>Great Firewall Watch, 2023, <https://gfwwatch.org/>.

<sup>7</sup>“Censored domains,” Great Firewall Watch, 2023, [https://gfwwatch.org/censored\\_domains](https://gfwwatch.org/censored_domains).

<sup>8</sup>“Computer Information Network and Internet Security, Protection and Management Regulations—1997,” Lehman, Lee & Xu, <https://www.lehmanlaw.com/resource-centre/laws-and-regulations/information-technology/computer-information-network-and-internet-security-protection-and-management-regulations-1997.html>; “Translation: Cybersecurity Law of the People’s Republic of China (Effective June 1, 2017),” DigiChina, <https://digichina.stanford.edu/work/translation-cybersecurity-law-of-the-peoples-republic-of-china-effective-june-1-2017/>; “Norms for the Administration of Online Short Video Platforms and Detailed Implementation Rules for Online Short Video Content Review Standards,” China Law Translate, <https://www.chinalawtranslate.com/en/norms-for-the-administration-of-online-short-video-platforms-and-detailed-implementation-rules-for-online-short-video-content-review-standards/>; “Provisions on the Governance of the Online Information Content Ecosystem,” World Intermediary Liability Map, <https://wilmap.stanford.edu/entries/provisions-governance-online-information-content-ecosystem>.

<sup>9</sup>Jeffrey Knockel, Ken Kato, and Emile Dirks, “Missing Links: A comparison of search censorship in China,” The Citizen Lab, <https://citizenlab.ca/2023/04/a-comparison-of-search-censorship-in-china/>.

<sup>10</sup>Jeffrey Knockel, Ken Kato, and Emile Dirks, “Missing Links: A comparison of search censorship in China,” The Citizen Lab, <https://citizenlab.ca/2023/04/a-comparison-of-search-censorship-in-china/>.

<sup>11</sup>Rebecca MacKinnon (2009), “China’s Censorship 2.0: How companies censor bloggers,” First Monday, 14(2), <https://firstmonday.org/ojs/index.php/fm/article/view/2378>.

<sup>12</sup>Rebecca MacKinnon, “Commentary: Are China’s demands for Internet ‘self-discipline’ spreading to the West?,” McClatchy DC, January 18, 2010, <https://www.mcclatchydc.com/opinion/article24570625.html>.

Douyin, Jingdong, Sogou, and Weibo.<sup>13</sup> Examples of censored content covered by these rules include various creative homographs for the name “Xi Jinping,” references to the June 4 massacre, material related to religious communities, and criticisms of the Communist Party. Citizen Lab research also demonstrates that platforms institute different levels of censorship which fully or partially censor search results for key terms. Partial or “soft” censorship provides results from authorized sources like Chinese government websites or state media, while full or “hard” censorship provides no results.

Citizen Lab researchers have also detailed how China-accessible platforms including WeChat censor discussion of political events. These events include activism in Hong Kong, crackdowns on human rights lawyers, the COVID-19 pandemic, and the deaths of Nobel Peace Prize winner Liu Xiaobo and former premier Li Keqiang.<sup>14</sup> Results from these research investigations demonstrate how China-accessible platforms suppress politically sensitive information and promote narratives favourable to the Chinese state.

## Part Two: The Role of U.S.-Based Companies in Online Censorship

While Chinese tech companies are the key players in online censorship in China, U.S. companies are also involved. For instance, in 2018 leaked documents revealed that Google was planning to release an app in China that would implement political censorship, a plan they abandoned in 2019 after criticism from within and outside the company.<sup>15</sup> On their China-accessible platforms, U.S. companies have imposed restrictions on political and religious content. And like the restrictions imposed by Chinese counterparts, those imposed by U.S. companies have impacted users both inside China and in other world regions, including the United States.

Citizen Lab research shows that the Chinese version of Microsoft’s Bing, the only major non-Chinese search engine accessible in China, engages in extensive censorship.<sup>16</sup> In China, Bing only displays results for censored search queries from authorized websites, such as government and state media websites. Like Chinese search platforms, Bing’s censorship rules target political material related to Xi Jinping, religious material, references to Nobel Peace Prize winner Liu Xiaobo, and terms related to the June 4 massacre. Compared with Baidu, Bing’s political censorship rules are also broader, affect more search results, and lead to search results for a greater number of websites being restricted.

The impact of censorship on Bing is not limited to users within China. Citizen Lab researchers found that Bing’s censorship of search suggestions, though not search results, was applied to users in the United States and other countries for at least 8 months from October 2021 to May 2022.<sup>17</sup> Bing’s censorship of politically

<sup>13</sup> Jeffrey Knockel, Ken Kato, and Emile Dirks, “Missing Links: A comparison of search censorship in China,” The Citizen Lab, <https://citizenlab.ca/2023/04/a-comparison-of-search-censorship-in-china/>.

<sup>14</sup> “Censored Commemoration: Chinese Live Streaming Platform YY Focuses Censorship on June 4 Memorials and Activism in Hong Kong,” The Citizen Lab, June 4 2019 <https://citizenlab.ca/2019/06/censored-commemoration-chinese-live-streaming-platform-yy-focuses-censorship-june-4-memorials-activism-hong-kong/>; Lotus Ruan, Jeffrey Knockel, and Masashi Crete-Nishihata, “We (can’t) Chat: ‘709 Crackdown’ Discussions Blocked on Weibo and WeChat,” The Citizen Lab, April 13 2017, <https://citizenlab.ca/2017/04/we-cant-chat-709-crackdown-discussions-blocked-on-weibo-and-wechat/>; Lotus Ruan, Jeffrey Knockel, and Masashi Crete-Nishihata, “Censored Contagion: How Information on the Coronavirus is Managed on Chinese Social Media,” The Citizen Lab, March 3 2020, <https://citizenlab.ca/2020/03/censored-contagion-how-information-on-the-coronavirus-is-managed-on-chinese-social-media/>; Masashi Crete-Nishihata, Jeffrey Knockel, Blake Miller, Jason Q. Ng, Lotus Ruan, Lokman Tsui, and Ruohan Xiong, “Remembering Liu Xiaobo: Analyzing censorship of the death of Liu Xiaobo on WeChat and Weibo,” The Citizen Lab, June 16 2017, <https://citizenlab.ca/2017/07/analyzing-censorship-of-the-death-of-liu-xiaobo-on-wechat-and-weibo/>; Jeffrey Knockel and Emile Dirks, “Chinese censorship following the death of Li Keqiang,” The Citizen Lab, November 21 2023, <https://citizenlab.ca/2023/11/chinese-censorship-following-the-death-of-li-keqiang/>.

<sup>15</sup> Ryan Gallagher, “Google Plans To Launch Censored Search Engine in China, Leaked Documents Reveal,” The Intercept, August 1 2018, <https://theintercept.com/2018/08/01/google-china-search-engine-censorship/>; Sarah McKune and Ronald Deibert, “Google’s Dragonfly: A Bellwether for Human Rights in the Digital Age,” Just Security, August 2 2018, <https://www.justsecurity.org/59941/googles-dragonfly-bellwether-human-rights-digital-age/>; “Google’s Project Dragonfly ‘terminated’ in China,” BBC News, July 17 2019, <https://www.bbc.com/news/technology-49015516>.

<sup>16</sup> Jeffrey Knockel and Emile Dirks, “Chinese censorship following the death of Li Keqiang,” The Citizen Lab, November 21 2023, <https://citizenlab.ca/2023/11/chinese-censorship-following-the-death-of-li-keqiang/>.

<sup>17</sup> Jeffrey Knockel and Lotus Ruan, “Bada Bing, Bada Boom: Microsoft Bing’s Chinese Political Censorship of Autosuggestions in North America,” The Citizen Lab, May 19 2022 <https://citizenlab.ca/2022/05/bada-bing-bada-boom-microsoft-bings-chinese-political-censorship-autosuggestions-north-america/>.



sensitive search suggestions in both English and Chinese applied to multiple regions outside China, including the United States and Canada.

Suggestions including the names of politically sensitive figures were censored, including those of Xi Jinping, the doctor Li Wenliang who had warned his colleagues about early Covid-19 infections in Wuhan, religious figures including the 11th Panchen Lama Gedhun Choekyi Nyima, and references to the “Tank Man” photographed standing in front of a column of tanks leaving Tiananmen Square on June 5, 1989. In response to a May 10, 2022 letter addressed to Microsoft’s Chief Digital Security Officer, Microsoft communicated to The Citizen Lab that it had discovered and resolved a misconfiguration on Bing which had prevented valid autosuggestions from appearing for users outside China.<sup>18</sup> However, while Microsoft ceased Chinese political censorship of autosuggestions in countries outside of China including the United States, there is no indication that Microsoft has ceased censoring autosuggestions for users of Bing in China.

Microsoft is not the only U.S. company which performs Chinese political censorship. In 2021, Citizen Lab researchers found that Apple applied censorship to product engravings in China.<sup>19</sup> Censored political content included the names of Chinese leaders, Chinese dissidents, and independent news organizations, as well as general terms related to religion, democracy, and human rights. Apple applied these censorship rules not only in China, but in Hong Kong and Taiwan as well. Research findings also indicated that Apple did not fully understand what content they censored. Instead, many censored keywords appeared to have been reappropriated from other sources, including censorship lists compiled by Chinese companies. Since the release of this report, Apple eliminated Chinese political censorship in Taiwan, but has continued keyword-based political censorship in both mainland China and Hong Kong.<sup>20</sup>

Bing and Apple’s extensive censorship inside China shows that U.S. tech companies cannot introduce services in China without integrating restrictions on expression. Furthermore, our findings show that it is inevitable that such censorship will be applied, either accidentally or otherwise, to users outside of China, including Taiwan and the United States.

### Part Three: The Offline Harms of Online Censorship

State-backed restrictions on political and religious expression do not exist in a vacuum. Online censorship is linked to offline harms. Chinese citizens who attempt to access or share sensitive information online do so at risk to their personal freedom. Authorities have jailed Chinese citizens for a range of offenses, including selling software that allows people to circumvent the Great Firewall, making comments in private chat groups, sharing videos of protests, and even posting on social media platforms like X (Twitter) which are blocked in China.<sup>21</sup> Such cases highlight the severe rights impacts that censorship has on the people of China.

While some Chinese citizens risk detention and even torture for their online activities, state-affiliated actors use these same platforms to launch attacks against opponents of the party-State. As detailed by Citizen Lab researchers, a 2019–2021 harassment campaign nicknamed “HKLEAKS” used websites and social media to

<sup>18</sup> “Citizen Lab Letter to Microsoft,” The Citizen Lab, May 10, 2022, <https://citizenlab.ca/wp-content/uploads/2022/05/Citizen-Letter-to-Microsoft.pdf>; Jeffrey Knockel and Lotus Ruan, “Bada Bing, Bada Boom: Microsoft Bing’s Chinese Political Censorship of Autosuggestions in North America,” The Citizen Lab, May 19 2022, <https://citizenlab.ca/2022/05/bada-bing-bada-boom-microsoft-bings-chinese-political-censorship-autosuggestions-north-america/>.

<sup>19</sup> Jeffrey Knockel and Lotus Ruan, “Engrave Danger: An Analysis of Apple Engraving Censorship across Six Regions,” The Citizen Lab, August 18, 2021, <https://citizenlab.ca/2021/08/engage-danger-an-analysis-of-apple-engraving-censorship-across-six-regions/>.

<sup>20</sup> Jeffrey Knockel and Lotus Ruan, “Engrave Condition: Apple’s Political Censorship Leaves Taiwan, Remains in Hong Kong,” The Citizen Lab, March 22 2022, <https://citizenlab.ca/2022/03/engage-condition-apples-political-censorship-leaves-taiwan-remains-in-hong-kong/>.

<sup>21</sup> Benjamin Haas, “Man in China sentenced to 5 years’ jail for running VPN,” The Guardian, December 22, 2017, <https://www.theguardian.com/world/2017/dec/22/man-in-china-sentenced-to-five-years-jail-for-running-vpn>; Eva Dou, “Jailed for a Text: China’s Censors Are Spying on Mobile Chat Groups,” The Wall Street Journal, December 8 2017, <https://www.wsj.com/articles/jailed-for-a-text-chinas-censors-are-spying-on-mobile-chat-groups-1512665007>; Amy Hawkins, “Uyghur student convicted after posting protests video on WeChat,” The Guardian, June 8, 2023, <https://www.theguardian.com/world/2023/jun/08/uyghur-student-convicted-posting-protests-video-wechat-kamile-wayit>; Chun Han Wong, “China Is Now Sending Twitter Users to Prison for Posts Most Chinese Can’t See,” The Wall Street Journal, January 29, 2021, <https://www.wsj.com/articles/china-is-now-sending-twitter-users-to-prison-for-posts-most-chinese-cant-see-11611932917>.

distribute personal information about Hong Kong pro-democracy activists.<sup>22</sup> Actors involved in the campaign used proprietary websites and social media accounts to publish personal identifiable information about targeted activists. Those connected to the campaign claimed they were members of Hong Kong volunteer committees. However, Citizen Lab researchers uncovered indications that this was a coordinated information operation conducted by professional actors aligned with the Chinese State.

Victims of other online harassment campaigns live outside China. This Commission has previously discussed how the Chinese government silences overseas critics through transnational repression.<sup>23</sup> For years, the Chinese government has used transnational repression to intimidate, threaten, and surveil diaspora members it views as threats.<sup>24</sup> Many of these victims are Tibetan.<sup>25</sup>

Since 2009, Citizen Lab researchers have investigated digital attacks and espionage against Tibetan diaspora communities. These attacks include cyber espionage programs targeting Tibetan institutions, one-click mobile exploits and malware used to install spyware in a target's phone, and phishing operations conducted against diaspora Tibetan organizations.<sup>26</sup>

State-backed proxies and online nationalists also harass Chinese, Hong Kong, Tibetan, Uyghur, and other diaspora members on Chinese and U.S. social media platforms. Some of the most vicious instances of digital transnational repression are directed at women.<sup>27</sup> As Citizen Lab researchers have documented, Chinese and Hong Kong women activists in Canada have suffered online threats of physical and sexual violence.<sup>28</sup> Digital transnational repression has profound consequences for victims and their relatives. Many suffer intense psychological harm, while others self-censor

<sup>22</sup> Alberto Fittarelli and Lokman Tsui, "Beautiful Bauhinia: 'HKLeaks'—The Use of Covert and Overt Online Harassment Tactics to Repress 2019 Hong Kong Protests," The Citizen Lab, July 13 2023, <https://citizenlab.ca/2023/07/hkleaks-covert-and-overt-online-harassment-tactics-to-repress-the-2019-hong-kong-protests/>.

<sup>23</sup> "Countering China's Global Transnational Repression Campaign," CECC, September 12, 2023, <https://www.cecc.gov/events/hearings/countering-chinas-global-transnational-repression-campaign/>; "Preserving Tibet: Combating Cultural Erasure, Forced Assimilation and Transnational Repression," CECC, March 28, 2023, <https://www.cecc.gov/events/hearings/preserving-tibet-combating-cultural-erasure-forced-assimilation-and-transnational-repression/>; "The Threat of Transnational Repression From China and The U.S. Response," CECC, June 15 2022, <https://www.cecc.gov/events/hearings/the-threat-of-transnational-repression-from-china-and-the-us-response/>.

<sup>24</sup> Eric Hsu and Ai-Men Lau, "Silenced Voices, Hidden Struggles: PRC Transnational Repression on Overseas Human Right Activists," Doublethink Lab, June 1 2023, <https://doublethinklab.medium.com/silenced-voices-hidden-struggles-prc-transnational-repression-on-overseas-human-right-activists-8f34aeee7ae6>; "China: Transnational Repression Origin Country Case Study," Freedom House, 2021, <https://freedomhouse.org/report/transnational-repression/china/>; "They Don't Understand the Fear We Have: How China's Long Reach of Repression Undermines Academic Freedom at Australia's Universities," Human Rights Watch, June 30, 2021, <https://www.hrw.org/report/2021/06/30/they-dont-understand-fear-we-have/how-chinas-long-reach-repression-undermines>.

<sup>25</sup> "Chinese Transnational Repression of Tibetan Diaspora Communities 2024," Tibetan Centre for Human Rights & Democracy, 2024, <https://tchrd.org/wp-content/uploads/2024/02/Chinese-Transnational-Repression-of-Tibetan-Diaspora-Communities.pdf>.

<sup>26</sup> Jane, "Tracking GhostNet: Investigating a Cyber Espionage Network," The Citizen Lab, March 28 2009, <https://citizenlab.ca/2009/03/tracking-ghostnet-investigating-a-cyber-espionage-network/>; Adam Hulcoop, Matt Brooks, Etienne Maynier, John Scott-Railton, and Masashi Crete-Nishihata, "It's Parliamentary KeyBoy and the targeting of the Tibetan Community," The Citizen Lab, November 17, 2016, <https://citizenlab.ca/2016/11/parliament-keyboy/>; Jakub Dalek, Masashi Crete-Nishihata, and John Scott-Railton, "Shifting Tactics: Tracking changes in years-long espionage campaign against Tibetans," The Citizen Lab, March 10, 2016, <https://citizenlab.ca/2016/03/shifting-tactics/>; Katie Kleemola, Masashi Crete-Nishihata, and John Scott-Railton, "Tibetan Uprising Day Malware Attacks," The Citizen Lab, March 10 2015, <https://citizenlab.ca/2015/03/tibetan-uprising-day-malware-attacks/>; Geoffrey Alexander, Matt Brooks, Masashi Crete-Nishihata, Etienne Maynier, John Scott-Railton, and Ron Deibert, "Spying on a Budget: Inside a Phishing Operation with Targets in the Tibetan Community," The Citizen Lab, January 30, 2018, <https://citizenlab.ca/2018/01/spying-on-a-budget-inside-a-phishing-operation-with-targets-in-the-tibetan-community/>; Bill Marczak, Adam Hulcoop, Etienne Maynier, Bahr Abdul Razzak, Masashi Crete-Nishihata, John Scott-Railton, and Ron Deibert, "Missing Link: Tibetan Groups Targeted with 1-Click Mobile Exploits," The Citizen Lab, September 24, 2019, <https://citizenlab.ca/2019/09/poison-carp-tibetan-groups-targeted-with-1-click-mobile-exploits/>.

<sup>27</sup> Albert Zhang and Danielle Cave, "Smart Asian women are the new targets of CCP global online repression," The Strategist, June 3, 2022, <https://www.aspistrategist.org.au/smart-asian-women-are-the-new-targets-of-ccp-global-online-repression/>.

<sup>28</sup> Noura Al-Jizawi, Siena Anstis, Sophie Barnett, Sharly Chan, Niamh Leonard, Adam Senft, and Ron Deibert, "Psychological and Emotional War: Digital Transnational Repression in Canada," The Citizen Lab, March 1, 2022, <https://citizenlab.ca/2022/03/psychological-emotional-war-digital-transnational-repression-canada/>.

or limit their online activities. Still others have had to contend with state harassment of family members in China, a form of transnational repression known as coercion-by-proxy.”<sup>29</sup>

### Recommendations

Through state-backed online censorship, the cooperation of Chinese and U.S. technology companies, and domestic and transnational repression, the Chinese state severely restricts the freedom of opinion and expression of people in and outside China. Addressing restrictions on these freedoms requires holding Chinese and U.S. companies responsible for their role in online censorship and supporting victims of digital harassment and intimidation. Therefore, I recommend that the U.S. Government do three things:

**One, publicly request that Microsoft, Apple, and other U.S. companies explain how and why they implement political and religious censorship on their platforms in China.** Citizen Lab researchers have discovered censorship rules that U.S. companies have implemented on China-accessible platforms and measured the breadth and impact of these rules. However, it is not clear how U.S. companies develop and implement these censorship rules, nor why U.S. companies are willing to censor political and religious content on their China-accessible platforms. Requesting Microsoft, Apple, and other U.S. companies to provide this information would contribute to more informed and effective policies pertaining to addressing the rights and privacy impacts of online platforms and digital technologies.

**Two, publicly request that Microsoft explain how political and religious censorship was applied to the search suggestions of users of Bing outside China and what safeguards will ensure that this will not reoccur.** Citizen Lab researchers discovered that for a period of at least 8 months from October 2021 to May 2022 Microsoft’s Bing search engine censored politically sensitive Chinese search suggestions in different world regions, including the United States. It is unclear why Microsoft censored these suggestions and what steps Microsoft has taken to prevent this kind of censorship from reoccurring. Requesting Microsoft answer these questions would deepen understanding of how individuals outside China, including in the United States, are impacted by Chinese state-backed censorship on China-accessible platforms.

**And three, train U.S. Government officials, including law enforcement and immigration authorities, to recognize digital transnational repression and properly assist victims and their families.** Many victims of transnational repression, including digital transnational repression, live in the United States. The U.S. Government has a duty to protect both U.S. and non-U.S. citizens who are victims of transnational repression. Providing protection requires recognizing the severity of the problem. Personnel working in relevant government offices, including U.S. Citizenship and Immigration Services and Federal, State, and local law enforcement, should receive training to help them identify both victims and perpetrators of transnational repression. Training should also include learning how to conduct outreach to victims and their families and how to provide appropriate assistance to those at risk of transnational repression. By helping victims of transnational repression in the United States, the U.S. government will demonstrate support for those exercising their freedom of expression and opinion on and offline.

Thank you for the opportunity to testify today. I look forward to your questions and comments.

<sup>29</sup> Fiona B. Adamson and Gerasimos Tsourapas, “At Home and Abroad: Coercion-by-Proxy as a Tool of Transnational Repression,” Freedom House, 2020, <https://freedomhouse.org/report/special-report/2020/home-and-abroad-coercion-proxy-tool-transnational-repression>.

## PREPARED STATEMENT OF SOPHIE LUO

Mr. Chairman, Mr. Cochairman, and distinguished members of the Commission, thank you so much for holding this hearing and for inviting me to speak. Today's hearing is so important to me, as the wife of imprisoned Chinese human rights lawyer Ding Jiaxi. We must continue to speak out about the horrific human rights violations committed by the PRC government and the Chinese Communist Party. This is all the more important in the wake of the Chinese official delegation's denials about its human rights abuses and the Chinese government's allies' empty praise of poverty alleviation and so-called rights safeguards at the Universal Periodic Review (UPR) in Geneva last Tuesday, January 23, 2024.

As I begin my testimony, I want to thank the Commission for tweeting about cases of political prisoners on social media in advance of the PRC's UPR. More broadly, I would like to publicly thank the U.S. Government for its robust statement during the UPR and its advance questions, including the focus on political prisoners and human rights defenders arbitrarily detained by the PRC government.

Since my testimony 2 years ago at the CECC hearing in February 2022 at the time of the Beijing Winter Olympics, I have spoken at length about the cases of my husband Ding Jiaxi and his colleague and co-defendant, legal scholar Xu Zhiyong, whom Chinese authorities detained after they held a private gathering of friends to discuss civil society and the rule of law in China. Chinese authorities held Ding and Xu in pre-trial detention for nearly 2 years and 6 months before trying them secretly in June 2022 and sentencing them in April 2023 to 12 and 14 years in prison. To date, no verdict has been issued to the families. After the Shandong High People's Court refused their appeal, authorities sent my husband Ding Jiaxi to Jiangbei Prison in Hubei province, and Xu Zhiyong to Lunan Prison in Shandong province in November 2023.

In April 2023, following the announcement of Jiaxi's verdict, I had the honor of testifying before Chairman Smith at a hearing of the House Foreign Affairs Committee together with Ms. Geng He, the wife of disappeared lawyer Gao Zhisheng. Geng He and I discussed how Chinese authorities persecute human rights defenders through forced disappearance, secret detention, torture, coerced confession, fabricating criminal evidence, closed-door trials and sentences, and the use of ongoing surveillance even after human rights defenders are released. These constitute violations of the Chinese constitution and laws as well as the international laws and conventions that the Chinese government is obligated to adhere to and respect.

Today, I am holding up an image that shows many current political prisoners in China. My heart aches terribly every time I see this picture, but I put it on my desk at home, and I look at it every day. I must let the world know the true human rights situation in China. I must fight for their rights and call for the release of all of them!

There are many more prisoners beyond this image. Some of their cases are documented in the Commission's Political Prisoner Database (PPD)—the research staff informed me that there are now **11,116** records in the CECC's PPD, among which **2,714** are cases of currently detained individuals. Human rights NGOs such as Chinese Human Rights Defenders, Hong Kong Watch, the Dui Hua Foundation, various Uyghur and Tibetan groups, the China Aid Association, Falun Gong groups, and others have also documented detentions.

For the remainder of my testimony, I will highlight the main human rights-violating tactics used by Chinese authorities against human rights defenders with specific case examples.

**No. 1: Forced disappearance.** Prominent human rights lawyer Gao Zhisheng was "disappeared" in August 2017, and his family in the U.S. have had no news of him since then. Sun Wenguang, an outspoken retired professor at Shandong University, was in the middle of an interview with Voice of America (VOA) when police broke into his home in Jinan and forced him off the air on August 1, 2018. A few days later, the 84-year-old scholar and his wife disappeared. Their well-being and whereabouts were unknown until March 2022, when news emerged that he died in secret detention in 2021, age 86, and his family and friends had been silenced. The circumstances surrounding his death remain unclear. In October 2020, pregnant public health activist He Fangmei was disappeared together with her husband and two children, after she splashed paint on the gate of a government office in Huixian. The family was not heard from for more than a year. In March 2022, Ms. He's sister received a notice about her arrest. Then through a lawyer the family learned that Ms. He had given birth to a baby girl in a psychiatric hospital in Huixian; her two young daughters, including the older girl who had become disabled as a 1-year-old due to a faulty vaccine, are still locked up in the hospital, even after their mother, He Fangmei, was taken to a detention center; her husband Li Xin, also an activist,

was sentenced to 5 years in prison; her son has been placed in foster care. He Fangmei is still waiting for a verdict. Dong Yaoqiong, who famously splashed ink on Xi Jinping's portrait on July 4, 2018, was locked up in a psychiatric hospital in Zhuzhou, Hunan for the third time on February 6, 2021. She has not been heard from since. Her father, Dong Jianbiao, died in prison under suspicious circumstances in September 2022. Another Hunan-based human rights activist, Wang Yifei, who was previously jailed for commemorating the Tiananmen Square Massacre, disappeared in May 2022. He had written several articles about his experience in the detention center and prison. He is believed to have been taken by State security in Changsha but no details are known. Peng Lifa disappeared in October 2022 after he held an individual protest on a bridge in Beijing, calling on Xi Jinping to step down due to the Chinese government's harsh zero-COVID policy. The whereabouts of Peng's wife and child are also unknown, and they are believed to be held under some form of detention. Qiao Xinxin (a.k.a. Yang Zewei), who was a passionate fighter against China's censorship apparatus, the "Great Firewall," was taken into incommunicado detention by Chinese police from his residence in Laos and extradited back to China in June 2023, and his whereabouts were unknown for more than 2 months before news emerged that he had been held in a detention center in Hunan province.

**No. 2: Torture, especially while held under "residential surveillance at a designated location" (RSDL).** RSDL is a form of incommunicado detention that allows authorities to hold individuals for up to 6 months. Political prisoners are extremely vulnerable to torture and other forms of maltreatment during RSDL. Both Ding Jiaxi and Xu Zhiyong were held for months in RSDL and reported that they were severely tortured. In recent years, torture also has been reported in prison—in other words, after rights defenders have spent considerable time in detention centers, and then are tried, sentenced, and transferred to prisons. One such example is the torture of the unjustly imprisoned young computer coder Niu Tengyu, the Guangdong-based female veteran rights activist Li Biyun, and Nanjing-based dissident Shao Mingliang. Both Li and Shao have disabilities and were subjected to horrendous mistreatment and torture in prison.

**No. 3: Lengthy pre-trial detention.** Li Yuhan is a defense lawyer, and she represented one of the "709" lawyers, Wang Yu. Li was detained, tortured, and suffered many health problems in the detention center for 6 years before her first trial was held in October 2023.

**No. 4: Lack of access to medical treatment in detention and denial of medical parole.** Li Qiaochu was detained because she spoke up for her partner, the legal scholar Xu Zhiyong. She had mental health challenges even before being detained. After detention, she experienced severe auditory hallucinations and needed medical treatment. Her mother submitted over 10 requests for medical parole, but all were denied. Most detainees who were tortured suffered from many types of health issues in the detention center or in prison but had no access to medical treatment. Zhang Zhan, who is serving 4 years in prison in Shanghai for reporting on COVID-19 from Wuhan, has been gravely ill as she has been on hunger strikes to protest her innocence since her arrest in May 2020. Her family and lawyer's applications for medical parole were declined too. Yang Maodong (a.k.a. Guo Feixiong) was arrested in December 2021. His health also steadily declined as a result of a hunger strike following his request to leave China and visit his terminally ill wife in the U.S. She died in January 2022. Yang is now serving 8 years in prison for "inciting subversion."

**No. 5: Heavy prison sentences for human rights defenders.** Uyghur scholar and ethnic rights advocate Ilham Tohti was sentenced to life imprisonment in 2014 on the charge of "splitting the country." China democracy advocate Wang Bingzhang was sentenced to life in prison in 2003 for alleged espionage and organizing and leading a terrorist group. Many rights defenders have been sentenced to more than 10 years on fabricated or trumped-up charges.

**No. 6: Restricting defense lawyers' rights or imposing officially assigned lawyers on the detainee.** Defense lawyers face multiple obstacles in representing human rights defenders, such as authorities not allowing lawyers to meet with their detained clients and withholding case documents and evidence, all of which are in violation of Chinese lawyers' legal practice rights. The Chinese authorities also pressure or coerce legal counsel representing human rights defenders to sign confidentiality agreements, thus preventing defense lawyers from speaking publicly about cases that authorities deem to be politically sensitive. This has a further negative impact in that Chinese authorities thus have space to malign human rights defenders or publicize false information about them. Chinese authorities often assign a

lawyer of their choosing to legally represent rights defenders in order to cover up the truth of the case. This was evident in the case of Ruan Xiaohuan, a computer engineer who provided information to the public about how to circumvent the “Great Firewall.” Since Ruan’s first trial, his family has been fighting very hard to authorize a lawyer for Ruan during the appeal trial instead of the officially assigned lawyers.

**No. 7: Forced labor in prison.** Cheng Yuan, the managing director of an NGO and rights advocate, and Ou Biaofeng, another rights advocate, reportedly had to engage in forced labor at Chishan Prison in Hunan province. Cheng Yuan recently was moved to a different unit in Chishan Prison where he no longer has to do forced labor, according to his wife Shi Minglei, who now lives in the U.S. The Taiwanese rights defender Lee Ming-che, who also was held in Chishan Prison, reported that he worked from 7 a.m. to 7 p.m. every day at Chishan Prison while he served a 5-year prison sentence.

**No. 8: Randomly depriving political prisoners of their lawful right to be visited by family members.** The Sichuan-based rights defender Huang Qi is serving a 12-year prison sentence and has not been allowed to see his mother since 2019. His mother is now 90 years old and is suffering from cancer. Similarly, both Ding Jiayi and Xu Zhiyong have been deprived of their right to meet with their families and to communicate with them by letter to this day.

**No. 9: “Non-release release.”** Shanghai authorities released rights defender Cheng Jianfang in October 2024, but a group of plainclothes police have been outside her home surveilling her since that time, preventing her from enjoying her right to freedom of movement and association, including for medical appointments or to meet with friends. Another veteran activist Yin Xu’an served a 4-year sentence for commemorating the Tiananmen Square Massacre and was released in November 2023. He was immediately placed under house arrest and has not been given medication for his extremely high blood pressure. On December 5, 2023, he told friends that his blood pressure was 270/170 mm Hg and he urgently needed to seek medical treatment. Since then, Yin has been out of contact. He is believed to be in a hospital under surveillance. His phone must have been confiscated and his family has not been told where he is. Other “non-release release” cases include the aforementioned Li Biyun and Shao Mingliang, who have been under around-the-clock surveillance and deprived of the right to seek medical treatment.

**No. 10: Persecution and/or harassment of the families of human rights defenders:**

**1. Detain and put into prison the rights defender’s wife or loved ones:** Representative cases include Xu Yan, wife of detained human rights lawyer Yu Wensheng; Wang Liqin, wife of imprisoned poet Wang Zang; and Li Qiaochu, girlfriend of Xu Zhiyong. The children of rights defenders often suffer mental and physical health challenges due to the heavy pressure and surveillance placed on them. Additionally, the children are frequently prevented from accessing an education when both their parents are in prison. Among the most worrying cases currently are the three young children of He Fangmei and Li Xin, both rights defenders.

**2. Deprive the children of rights defenders of their right to attend school.** For example, authorities have prevented the children of human rights lawyers Li Heping and Wang Quanzhang from going to school in China for more than 8 years.

**3. Impose travel bans not only on the rights defenders but also on their families.** There are many human rights defenders who have been banned from traveling, including Ding Jiayi and lawyer Lu Siwei, who was sent back to China while trying to cross the border into Laos. Lawyers Wang Quanzhang and Li Heping and their families have not been allowed to go abroad. Chinese authorities also banned their children from going abroad. Children of rights defenders have been severely harassed and prevented from leaving China to receive an education abroad. This reflects a wider problem of the harassment of family members.

**4. Pressure landlords to revoke rental agreements.** Lawyers Wang Quanzhang and Li Heping and their families were forced to move many times last year and continue to expect that their housing may suddenly be revoked.

**5. Economically destroy the rights defender’s capacity to support himself and his family.** The Chinese authorities confiscated the life savings of Ilham Tohti shortly after he was sentenced, leaving his family in China to face severe economic difficulties. Plainclothes police officers often harass rights defenders when they are trying to find a job, leaving them jobless and their families in a difficult economic situation.

I could go on and on, but due to time constraints, I am not able to describe all the forms of persecution that Chinese human rights defenders and their families are facing.

Before ending my testimony, I would like to put forward a few recommendations for action that I think the U.S. Government and international society could take to help political prisoners and their families:

1. Human rights officers based in China from the United States and other countries should request to visit detention centers and prisons and should report whether these detention facilities are not compliant with Chinese detention center regulations or Chinese prison law. Routinely ask for such access so that Chinese authorities can't say no easily.
2. Apply visa restrictions on those working at the Public Security Bureau, the Procuratorate, and the Courts who are directly involved in the human rights defender persecution cases, especially those who are involved in implementing various forms of torture, for example, the perpetrators who inflicted grievous harm on lawyer Gao Zhisheng and were named by Gao in his written testimony.
3. Human rights officers based in China from the U.S. and other countries should visit human right defenders' families instead of inviting them to go to the foreign embassy only to be blocked or detained on their way.
4. Call for humanitarian assistance and education for the children of rights defenders when both parents have been detained or imprisoned by Chinese authorities.
5. Call for international attention to the children of rights defenders who are not allowed to go to school because of their parents' rights activism.
6. Request medical parole or call for humanitarian assistance to political prisoners serving life sentences and require the release of elderly political prisoners and those in bad health, such as Wang Bingzhang and Qin Yongmin.

I deeply appreciated the countries, in addition to the U.S., that specifically asked the Chinese government to end arbitrary detention and forced disappearance, and its abusive treatment of human rights defenders, during the UPR. I look forward to your continuous support of the families of human rights defenders to fight for basic rights and to seek the unconditional release of these arbitrarily detained political prisoners!

Thank you!

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#### PREPARED STATEMENT OF RUSHAN ABBAS

Chairman Smith, Chairman Merkley, Ranking Members, members of the Commission and staff, I express my gratitude for this opportunity to submit my testimony. My purpose is to document my observations during the Universal Periodic Review (UPR) Working Group session held in Geneva on January 23, 2024, where the international community took stock of China's human rights record. I will also provide an account of reports, side events, and claims made by the Chinese Communist Party during the UPR session.

Universal Periodic Reviews are intended for a genuine exchange within the U.N. framework. This one, however, occurred amid an ongoing genocide that the United Nations and its member states have chosen to ignore, except for a select few. More than anything else, this UPR session underscored the difficulty in holding China accountable for its human rights atrocities against Uyghurs, Tibetans, Hong Kongers, Southern Mongolians, and Chinese dissidents, as well as the systemic challenges China poses against the international system.

In Geneva, I witnessed how a totalitarian state aiming to silence dissent and legitimize its oppression worldwide worked to exploit this U.N. mechanism to receive an international seal of endorsement. The event that unfolded in Geneva made it evident that a significant accountability gap exists within our global framework concerning human rights and justice.

I would like to underline, by providing a telling example, that the U.N. system is under immense pressure from China. The main takeaway of the August 2022 report by the Office of the High Commissioner for Human Rights was that Beijing's actions in the Uyghur region could constitute "crimes against humanity." This is a grave allegation that the U.N. cannot—and did not—raise without compelling evidence. However, it was disheartening to see that the U.N.'s official compilation of its own reports, as part of the UPR process, conspicuously left this conclusion out.

As much as Campaign for Uyghurs was relieved to see that this damning conclusion of a report by the U.N. itself was at least mentioned through our organization in the summary of the civil society reporting produced by the United Nations, the fact that the U.N. is debilitated to the point of not being able to refer to its own reporting without hiding behind a civil society organization shows the level of China's undue pressure under which the U.N. system currently operates.

This UPR was marred by the PRC's manipulative tactics aimed at stifling genuine critique and dialogue. Before the session began, we could see droves of pro-Chinese students and Chinese government-organized NGOs sent to overcrowd the venue to restrict access for authentic human rights representatives. The mission of these operatives was clearly to limit civil society participation, and it took our persistent efforts with the U.N. Secretariat to secure access to the hall that clearly had more available space.

Defying the U.N.'s clear protocols, pro-China individuals spent hours in the upstairs gallery photographing member state delegates and activists from Uyghur, Tibetan, and Chinese dissenter groups, including myself, during the review. Another pro-China attendee was taking pictures of Tibetan and Uyghur rights defenders as we were standing in line to enter the hall, and unfortunately, it took repeated calls from activists to get U.N. security to stop this individual.

I saw a pro-Chinese attendee jotting down notes on his phone while looking over at an Uyghur activist's computer. This deliberate surveillance occurred inside the United Nations, a space meant for secure and open discussion on human rights. These are common tactics used by the CCP to intimidate and monitor human rights advocates in international forums, especially those dedicated to unveiling the true state of human rights in China.

At the session, a record number of 163 countries requested to speak during the interactive dialog between member states, and each was granted just 45 seconds to provide recommendations. Of these, over 120 countries either chose to ignore China's dark record or commend its so-called progress. This included nations that, by their own account, should stand against repression—and not endorse it. It was jarring how sharply this orchestrated praise contradicted the realities of PRC rule that subjects marginalized groups to indefensible persecution in so-called re-education camps.

Surreal praise from countries, such as for “bolstering religious tolerance in Xinjiang,” and hailing of China's so-called “commitment to guaranteeing the right to freedom of religion or belief,” ring hollow against the backdrop of over a million Uyghurs detained in an ongoing genocide, with their basic human rights stripped away. Similarly, endorsements of China's policies by nations like Russia reflected a disturbing alignment with the PRC's attempts to eradicate Uyghurs, Tibetans, Southern Mongolians, and Hongkongers along with their rich cultural diversity and identity. Witnessing the subversion of the UPR process was a gravely worrying sight to behold.

At this point, I want to applaud U.S. Ambassador Michèle Taylor for her resolute stance among the 28 countries that spoke against human rights atrocities. In just 45 seconds, Ambassador Taylor delivered eight recommendations on the ongoing Uyghur genocide and violations in Tibet, Hong Kong, Macao, and mainland China.

As the session got underway, we became aware that China had released a white paper on “counterterrorism” timed to distort facts and spread misinformation about the Uyghur people. This move aimed to divert attention from the ongoing genocide and shape a narrative more favorable to China's interests. Despite conclusive research and survivor testimony, side events organized by the Chinese government and NGOs presented propaganda that cast doubt on the established evidence.

This white paper alleges to provide a legal framework for what China misleadingly calls counterterrorism, when reports from several credible sources show that Uyghurs are being arbitrarily detained on false terrorism charges, even for uttering a common Islamic greeting, “Assalamualaikum,” which means “Peace be unto you”—a common wish of Abrahamic religions.

Participating in religious activities such as attending religious classes, fasting, and going on religious pilgrimages is also considered grounds for arrest. The release of this new white paper, strategically timed to be published as the UPR session was underway, should be understood as an indicator of China's confidence on the overall outcome of its Universal Periodic Review, a victory lap as China successfully cajoled and coerced many nations into silence on its abysmal human rights record.

At side events organized by pro-China groups and aided by the Chinese mission in Geneva, several speakers tried to whitewash China's human rights atrocities. In one such attempt, a so-called scholar from the Chinese Medical Association presented fabrications on the Uyghur region, disputing the evidence of forced medical treatment and forced sterilization among ethnic minority groups to suppress Uyghur



birthrates. In another instance, the China Society for Human Rights Studies had brought a “token” Uyghur by the name of Remina Xiaokaiti who showered praise for what she called significant progress in employment and human rights in Xinjiang, attributing it to Chinese modernization efforts. This individual also accused Western countries of fabricating “forced labor” claims as a means of imposing sanctions and undermining China’s prosperity.

Another individual by the name of Suolang Zhuoma from another government-organized NGO, China Tibetology Research Center, praised China for its efforts to sustain traditional Tibetan culture through investments in preserving key cultural relics, encouraging young people’s interest in traditional art, and supporting cultural festivals. Continued references to Xizang, a name constructed for Tibet by the Chinese Communist Party, unfortunately pointed to a worrying trend adopted by the CCP to improve its efforts to gradually erase the name of Tibet from the United Nations system.

China’s manipulation of the U.N. and its blatant abuse of the international system undermines principles of justice, human rights, and fair representation. Their maneuvers compromise the U.N.’s integrity and pose a direct threat to global stability and human dignity. In my opinion, China’s calculated attempts were indeed successful in shielding its egregious crimes from scrutiny and eroded the U.N.’s founding principles and purpose. The international community must unite against such tactics to preserve the U.N. as a beacon of peace, free from exploitation.

Overall, my observation is that what transpired in Geneva was not an isolated incident but a symptom of a much larger issue. The PRC’s conduct at the UPR, and the permissive attitude in that room, served as a microcosm of China’s broader disregard for international norms, human rights, and the dignity of Uyghurs and other persecuted communities.

It must be said: China is bent on trying to silence those who can speak about the real state of human rights in China. It became clear to me that in Geneva, the PRC operates with an audacious sense of impunity, treating the U.N. as if it were their own playground and getting what they want. The United States must recognize the gravity of this situation and the urgency with which it demands a response. It’s high time nations stood firm against such bold affronts, ensuring that the U.N. remains true to the vision of Eleanor Roosevelt rather than a rubber stamp for a global offense on freedom.

According to the rules of the UPR’s interactive session, civil society organizations are not granted an opportunity to speak. I am grateful for this opportunity to correct the record and speak on the real state of human rights in China.

Thank you.

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#### PREPARED STATEMENT OF HON. CHRIS SMITH

Good morning. Today’s hearing, “The PRC’s Universal Periodic Review and the Real State of Human Rights in China,” will come to order.

Last week, at the Universal Periodic Review of the People’s Republic of China at the United Nations, the Chinese Communist Party thought that it could drown out the truth of its shameful human rights record, enlisting its allies to offer pampering praise instead of probing questions, while giving a platform to Party-controlled civil society groups over independent non-governmental organizations—something that is covered in a stand-alone special CECC report that was released just yesterday.

But even Xi Jinping, the Chinese Communist Party, and the PRC’s massive 60-person delegation could not make a lie true.

And it is indeed a baldfaced lie that the Chinese Communist Party respects, honors, or abides by international human rights norms.

The truth is that Xi Jinping intends to rewrite and reshape these norms, to manipulate even international bodies dedicated to protecting human rights to serve his agenda. The truth—on stark display at last week’s UPR—is that Xi Jinping and the Chinese Communist Party constitute a systemic challenge to the international rules-based order, and reject the very concept of universal human rights.

In its sham submission for the Universal Periodic Review, the PRC claimed that it protects freedom of religion and freedom of expression, and looks out for workers, women, ethnic minorities and the vulnerable.

In reality, Xi Jinping poses an existential threat to these and other rights essential for human flourishing.

He tells journalists that they must be so loyal to the Chinese Communist Party that “Party” becomes their middle name.

He tells leaders of religions whose roots in China date back to the middle of the first millennia that they must “sinicize”—which means putting allegiance to the Party and to Xi himself before their faith and their God.

He claims that women’s equality is a state policy, while the Chinese Communist Party decides how many children a woman should have, including by the appalling practice of forced abortion, which is still a terrible reality in Uyghur and ethnic minority communities, even as restrictions have been eased for Han women, a blatantly eugenic policy.

Despite its best efforts, China has not succeeded at silencing those courageous men and women who insist on telling the truth about the real state of human rights in China, often at great cost to themselves—some have paid with their lives.

Today, we will hear from a distinguished panel of witnesses. Rana Siu Inboden has devoted her academic and professional career to exposing the PRC’s insidious attempts to undermine human rights.

Ben Rogers has been a passionate and effective advocate for religious freedom in China and now for democracy and human rights in Hong Kong, for which he has been denied entry to Hong Kong, threatened with prison, and repeatedly harassed.

Emile Dirks has conducted groundbreaking research exposing China’s totalitarian surveillance and censorship regimes, documenting the PRC’s use of dystopian technology to target ethnic and religious groups for biometric monitoring and data collection, and scrubbing China’s internet to create alternate realities.

And we are particularly honored to have with us today two women who have taken extraordinary risks for the cause of human rights, fighting on behalf of their family members who are imprisoned by the CCP: Rushan Abbas, a powerful advocate for the Uyghur people, whose sister was abducted by the Chinese government in retaliation for her activism, and Sophie Luo, wife of imprisoned rights defender Ding Jiayi, herself now a dedicated advocate for victims and their families, all while working as an accomplished engineer by day.

Ms. Luo, it is my privilege to share with you that the CECC has nominated your husband, Ding Jiayi, for the Nobel Prize, for his tremendous service to the dream of a democratic China. We have also nominated his ally and close collaborator, Xu Zhiyong, democracy campaigner and free speech champion Jimmy Lai—whose son Sebastien testified before this commission last May—and, finally, Uyghur activist and scholar Ilham Tohti.

Today I am also keenly aware of those who are not here, whose voices we can no longer hear from—especially the voice of Cao Shunli, who died in 2014 at the hands of the Chinese Communist Party precisely because of her work to amplify the voices of independent civil society as part of China’s Universal Periodic Review—the very process we are here to talk about today.

She was taken into custody on her way to Geneva in 2013, where she was to participate in a training on human rights for the UPR. The Chinese Communist Party cruelly objected to even a moment of silence for Cao at the U.N. Human Rights Council. In a hearing I held with this Commission after her death, I said Cao Shunli is exactly the type of person the Chinese government should embrace—not jail, discredit, and leave to die!

She is not here but her voice is not silent. She speaks, along with Liu Xiaobo, who also died in PRC custody, and with Ding Jiayi and Xu Zhiyong, who wrote from jail about their hopes for a democratic China. They made enormous sacrifices to tell the truth about the real state of human rights in China because they believed in and fought for a better China.

I urge my colleagues and all those joining us today to insist that the U.N. and its member states demand the truth about the PRC’s human rights violations and hold Xi Jinping and the Chinese Communist Party to account, in the names of Cao Shunli, Liu Xiaobo, Ding Jiayi, Xu Zhiyong, Jimmy Lai, Ilham Tohti, our brave witnesses and all of those who have risked so much for the sake of these most fundamental rights and freedoms.

With that, I’d like to yield to my good friend and colleague, Co-chair of our Commission, Senator Merkley.

## PREPARED STATEMENT OF HON. JEFF MERKLEY

Thank you, Mr. Chairman, for convening this hearing. The topic is appropriate for our first hearing of 2024, as it covers the wide spectrum of human rights challenges in China.

Both this Commission and the Universal Periodic Review serve as mechanisms to review China's compliance with international human rights standards, in their own ways. The review of China, the fourth since the creation of the UPR process, gives us an opportunity to assess its outcomes to help us prioritize our work and inform the recommendations we make to Congress and the Administration.

Members of this Commission will find the issues raised at the UPR very familiar. We have documented in our annual reports and explored in our hearings genocide against Uyghurs, decimation of freedom in Hong Kong, colonial boarding schools in Tibet, and China's pervasive surveillance state, among other brutal behaviors.

These are facts—facts this Commission has reported, facts that member states raised in their UPR questions, and facts submitted by the U.N. and the stakeholder non-governmental groups to the review session. The Chinese government is obligated by international law to address these matters and put itself in compliance with the law.

I look forward to hearing from our witnesses about how these issues were discussed in Geneva, and recommendations on next steps in terms of holding the Chinese government accountable for its numerous violations of the law.

We also hope to hear about the methods the Chinese government employs to avoid facing these facts. As one NGO put it, the Chinese Communist Party “gaslights” the world on its record by self-servingly redefining concepts and recruiting allies to deflect attention away from its actual conduct. And that conduct is in fact atrocious.

I commend the attention of Commissioners and the public to our new staff report on the prevalence of “PRC-sympathetic” groups at the UPR and how they distort the process. I offer my appreciation to the staff for working so hard to put this piece together.

The UPR remains a valuable platform for the international community to assess the human rights record of China and of every country, including our own. It is far from perfect, and we will hear criticisms of the process and how the PRC manipulates it.

But we must also take care not to let such criticism erode support for the U.N. system. Its treaty bodies and instruments are the places where international human rights law is defined and adjudicated. These universal standards are those that this Commission is mandated to assess the PRC's conduct against. Let us not undermine that work.

Last, let us remember our most essential role, to help give voice to those who cannot freely express themselves, who languish unjustly in jail, who suffer repression. Earlier this month I joined Senators Rubio, Kaine, and Blackburn on a letter asking the State Department to raise specific names of political prisoners at the UPR of China. Chairman Smith and Commissioner Wexton led a similar letter on the House side. I hope our witnesses will update us on cases of concern. Thank you so much for doing so.

I also note that the Chair and I have nominated our witness Sophie Luo's husband Ding Jiaxi, along with Jimmy Lai, Xu Zhiyong, and Ilham Tohti, for the Nobel Peace Prize. This is another way we seek to shine a light on prisoners of conscience.

Thank you to our witnesses for joining us today, and I look forward to your testimony and your insight.

## PREPARED STATEMENT OF HON. JAMES P. MCGOVERN

Good morning. I join my colleagues in welcoming the witnesses and the public to this morning's hearing on the Peoples Republic of China's Universal Periodic Review, the UPR, held on January 23rd.

I would like to begin by recognizing that the UPR is not just “a valuable platform” for analyzing China's human rights record, as noted in the hearing announcement.

First, the UPR is the only universal mechanism that exists to examine states' compliance with international human rights law and norms. Every U.N. member state is subject to universal periodic review every 5 years. In principle, this gives the UPR greater legitimacy—greater weight—than views expressed by any single government.

Second, the UPR reviews each country's human rights record against the obligations the country itself has taken on through its sovereign decisions to ratify or accede to international human rights treaties.

China is a State Party to several core human rights treaties—more, I regret to say, than the United States. Those treaties include the Covenant on Economic, Social and Cultural Rights; the Convention against Torture; and conventions to eliminate racial discrimination and discrimination against women.

China's acceptance of obligations under these human rights instruments is, in fact, the basis for this Commission's work. It means that we can directly examine the PRC's compliance with a broad range of rights: civil and political rights, and also labor rights, women's rights, the rights of ethnic and religious minorities, and the rights of other vulnerable populations, including the LGBTQ+ community. It means that the PRC's effort to change the international conversation to development, rather than rights, fails—because China's development claims must be interrogated using a rights lens.

All of this is to say that UPR recommendations go to the heart of the China Commission's efforts to promote and defend the human rights of the Chinese people, and I am glad to have this opportunity to focus on them.

I would like to highlight some of the recommendations coming out of last week's UPR session that address issues I care deeply about.

Last December I led a bipartisan letter with 23 House colleagues urging the Biden Administration to “highlight the increasingly severe human rights violations the PRC is perpetrating against the Tibetan people.” The letter focused attention on “PRC policies [that] are eroding Tibetan Buddhism, Tibetan language, and the Tibetan way of life in ways that are widespread and systematic and constitute a fundamental threat to the survival and well-being of the Tibetan people.”

The Administration did draw attention to these human rights abuses against the Tibetan people, both in its advance questions and its statement during the UPR session. Twenty countries joined the U.S. in insisting that, with respect to Tibet, China must:

- end forced assimilation policies;
- end discrimination and protect the rights of ethnic and religious minorities, including the right to language;
- implement the recommendations of the recent Economic, Social and Cultural Rights treaty review; and
- permit visits by human rights bodies.

Governments made similar, often overlapping recommendations with regard to the egregious repression and denial of the fundamental rights of the Uyghurs and other Turkic Muslims in Xinjiang, which this Commission has found may constitute genocide and crimes against humanity.

Clearly, many countries around the world share the United States' profound concern about the ongoing and systematic violations of the human rights of religious and ethnic minorities in China.

Similarly, on Hong Kong, 20 countries echoed this Commission's calling upon China to:

- respect civil and political rights;
- repeal the National Security Law;
- end censorship and surveillance of activists;
- restore judicial independence; and
- release writers, bloggers, journalists, human rights defenders and others arbitrarily detained.

More than 30 countries, including many from the “global south,” advocated for women's rights and gender equality in China; an end to gender-based violence and trafficking; and full implementation of the recommendations from the recent CEDAW treaty review.

I am especially glad to see that 11 countries specifically raised the need to end discrimination based on gender identity and protect the rights of the LGBTQ community in China. I am proud that this Commission has documented and reported on serious rights abuses against the LGBTQ community in the past and we will continue to do so going forward.

We will hear from the witnesses today about the limitations of the UPR process, the obstacles the PRC puts in the way of advocates who want to participate, and its efforts to manipulate the process in order to undercut criticism—a reality that, sadly, is not unique to China. Of course we must do all we can to counter these tactics.

That said, the UPR process is a valuable tool for human rights advocacy because it is multilateral and because it holds China to account for obligations it has explic-

itly agreed to. I hope the discussion today will provide us with ideas for making the best use of it—in particular, for strengthening multilateral efforts to end the grave, ongoing rights violations occurring in the country.

Mr. Chairman, I ask that the document prepared by the U.N. Human Rights Council UPR Working Group, titled “China—Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights” be submitted for the record. The document summarizes dozens of recommendations from treaty reviews and U.N. independent human rights experts that are directly relevant to this Commission’s work.

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**STAKEHOLDER SUBMISSION BY CAMPAIGN FOR UYGHURS**

*Submitted to the Human Rights Council in Advance of  
the Fourth Universal Periodic Review  
of the People's Republic of China*

by



*Campaign for Uyghurs is a registered nonprofit organization founded in 2017 with a mission to promote and advocate for the human rights and democratic freedoms of the Uyghurs and other Turkic peoples in East Turkistan (also referred to by the Chinese authorities as the Xinjiang Uyghur Autonomous Region) with a special focus on women and youth. Campaign for Uyghurs mobilizes individuals and the international community to build bridges, take action, and raise public awareness regarding human rights abuses against the Uyghur people. We expose human rights atrocities, activate global grassroots organizations and civil societies, build solidarity with other persecuted communities, and empower the Uyghur diaspora to construct productive campaigns to raise awareness, impact policy, and stop the systematic human rights abuses against the people of East Turkistan.*

## SUMMARY

1. In its Third Universal Periodic Review (UPR) in 2018, the government of the People's Republic of China (PRC) supported 284 of the 346 recommendations by 141 states.<sup>1, 2</sup> Sixteen of these recommendations specifically mentioned human rights concerns regarding the Xinjiang Uyghur Autonomous Region (XUAR). Recommending states urged the PRC to take specific steps, including to “facilitate full access to Xinjiang and Tibet for all relevant United Nations special procedures,” “ensure full transparency,” “close all ‘re-education centres’ in Uighur areas,” “[c]ease arbitrary detention of Uighurs and other Muslim groups,” and “abolish all forms of arbitrary detention, including internment camps in Xinjiang, and immediately release the hundreds of thousands, possibly millions, of individuals detained in these camps.” The government of the People's Republic of China did not accept fourteen of the sixteen recommendations.
2. Despite the PRC's positive portrayal of its policies in East Turkistan, also known as the Xinjiang Uyghur Autonomous Region, as “necessary and just,”<sup>3</sup> the assessment by the UN Office of the High Commissioner for Human Rights (OHCHR) published in August 2022 maintained that the “[e]xtent of arbitrary and discriminatory detention of members of Uyghur and other predominantly Muslim groups, pursuant to law and policy, in context of restrictions and deprivation more generally of fundamental rights enjoyed individually and collectively, may constitute international crimes, in particular crimes against humanity.”<sup>4</sup>
3. Having considered witness testimonies, reports, and other evidence presented, the Uyghur Tribunal, an independent and unofficial people's tribunal, rendered its judgement in December 2021 that crimes against humanity directed by the Chinese government amounted to an act of genocide.<sup>5</sup> Executive or legislative bodies of several UN Member States have also reached the same, or similar, conclusions.<sup>6</sup>
4. The PRC has not upheld the commitments to which it has agreed in the previous UPR cycles. Since its last UPR in 2018, the Chinese government has sufficiently demonstrated that the grave concerns regarding its human rights practices are not without merit. Human rights violations against the Uyghur people and other predominantly Muslim Turkic peoples during this period intensified at an alarming rate, prompting further international scrutiny of the crimes against humanity in the region.

## OBSERVATIONS

5. The following is a non-exhaustive count of the gravest human rights abuses against the Uyghur people and other groups with a list of recommendations for the State under review.
6. **Mass Internment:** The arbitrary deprivation of liberty of Uyghurs and other Turkic and Muslim peoples in the XUAR in mass internment camps continues unabated since at least 2017. Research based on satellite analysis revealed there were more than 380 detention centers



across the XUAR in 2020.<sup>7</sup> It was observed that while makeshift detention centers within cities were closed or repurposed, larger detention centers were constructed outside the urban areas. Revealed in May 2022, the “Xinjiang Police Files” showed that more than 12 percent of Uyghur adults remained under detention in 2018.<sup>8</sup> It is estimated that at the height of the Chinese government’s “Strike Hard” campaign, up to and perhaps more than one million individuals were unjustly held in mass internment camps (“Vocational Skills Education and Training Centers” [VSETC] in official parlance), political re-education camps, detention centers, and prisons.<sup>9</sup> News organizations reported that almost 1 in every 25 in Konasheher county was sentenced to prison terms on terrorism-related charges.<sup>10</sup>

7. **Arbitrary detentions:** In its four most recent sessions, the UN Working Group on Arbitrary Detention has adopted four opinions on the arbitrary detention of 11 Uyghurs, including Naghmat Hamit, Tajinisa Yimin and Dilixiati Wulibaiyi (6/2023), Qurban Mamut, Ekpar Asat, Gulshan Abbas (88/2022), Yalqun Rozi (64/2022), and Abdurashid Tohti, Tajigul Qadir, Ametjan Abdurashid, and Mohamed Ali Abdurashid (6/2022), who represent only a fraction of the hundreds of thousands of Uyghurs and other peoples arbitrarily detained in China.
8. **Forced labor:** Since its last UPR, the PRC ratified two ILO Conventions on forced labor.<sup>11</sup> However, the PRC continues to maintain a forced labor system that involves coercing hundreds of thousands of former internment camp detainees to work within and outside the XUAR.<sup>12</sup> Scholar Adrian Zenz maintains that the scope and scale of forced labor in the PRC has increased, expanding to higher-skilled sectors.<sup>13</sup> China’s state-sponsored coercive labor system not only seeks to reap economic benefits, but is also geared towards the goal of assimilating and coercively integrating ethnic populations such as the Uyghurs.<sup>14</sup>
9. **Digital surveillance:** Government authorities in China employ highly advanced technological means to surveil, monitor, and control Uyghurs and other populations.<sup>15</sup> A system called the Integrated Joint Operations Platform (IJOP) acts as the comprehensive tool to collect extremely detailed personal information on a massive scale to predict behavior.<sup>16</sup> Advanced facial recognition technology working in tandem with surveillance camera networks is used to identify Uyghurs “based on their appearance” and log their movements for further analysis.<sup>17</sup>
10. **Forced kinship:** Under the homestay program “Becoming Family” matching Uyghur families with Han Chinese government workers since late 2017, over one million Chinese civil servants began to live in Uyghur households under government orders.<sup>18</sup> This program aims to monitor Uyghurs in their homes and assess their resistance to cultural assimilation efforts by the state.<sup>19</sup> Witness testimony has revealed cases of sexual abuse.<sup>20</sup>
11. **Suppression of religion:** Religion, and Islam in particular, has long been suppressed in the PRC.<sup>21</sup> However, the repression of Islam reached new heights as the “Strike Hard” campaign intensified with an aim to “wash brains and cleanse hearts.”<sup>22</sup> The leaked “Aksu List” further demonstrated that the IJOP system flagged and led to the detention of thousands for everyday behavior that is nonviolent and lawful, as the types of “suspicious” behavior included, among

other things, reading or reciting the Quran or teaching it to children, preaching, or listening to the preaching of the Quran without state permission, and growing a beard or wearing a headscarf.<sup>23</sup>

12. **Destruction of religious sites**: A survey of satellite imagery estimates that since 2017, around 8,500, or one-third of all mosques in the XUAR, have been demolished.<sup>24</sup> In some instances, authorities destroyed famous mosques, including Kashgar's famous Grand Mosque built in 1540, and rebuilt a smaller version of the original buildings.<sup>25</sup> Another one-third was found to be damaged or altered in some way, while a further 30 percent of significant religious sites such as shrines and cemeteries were demolished.<sup>26</sup>
13. **Women's rights**: Forced sterilization, forced birth control, and forced abortion practices implemented against Uyghur women and other ethnic peoples present an increasing risk of eradication of the Uyghur people. Researchers concluded that the XUAR witnessed a nearly 50 percent drop in birth rates over the three-year period from 2017 to 2019.<sup>27</sup> Government documents indicate that birth control violations are punishable by internment in re-education camps, while authorities conducted mass and systematic sterilization campaigns.<sup>28, 29</sup> The population "optimization" strategy pursued by the Chinese government aims to "end the dominance of the Uyghur ethnic group" in the XUAR, resulting in disastrous consequences for the Uyghur people.<sup>30</sup> Witness accounts uncovered systematic rape in internment camps.<sup>31</sup> Since at least 2014, the Chinese government has imposed forced marriages on Uyghur women, including through blackmail, coercion, and financial incentives to marry Han Chinese men.<sup>32</sup>
14. **Children's rights**: Forcible separation and displacement of Uyghur children continues. Latest witness testimonies involve two Uyghur children forced into state boarding schools after their father was deported to Turkey and their mother was sentenced to 20 years in prison.<sup>33</sup> In late 2021, Chinese officials announced a so-called "Pomegranate Flower Plan" to match Uyghur children from the XUAR with Han Chinese children from China to foster "kinship" between children and make them "relatives."<sup>34</sup>

## RECOMMENDATIONS

### **Arbitrary Detention, Enforced Disappearances, Torture, and Ill-Treatment:**

- Immediately abolish the so-called "Strike Hard Campaign against Violent Terrorism" in the XUAR, including all programs aimed at controlling and monitoring Uyghurs and other Muslim and Turkic peoples.
- Immediately close all internment camps in the XUAR, including the so-called "vocational education and training" and "reeducation" centers.
- Immediately cease arbitrary detention and release all persons held in internment camps or other detention facilities in the XUAR without due process.
- Immediately confirm the whereabouts and status of arbitrarily detained and forcibly disappeared individuals, and ensure unrestricted access to family, as well as legal, medical, and religious services of their choice.

- Withdraw all charges against arbitrarily detained individuals and end all coercive or restrictive measures against them.
- Provide families of detained individuals with written and official reasons for their loved ones' detention and other official documentation related to their case.
- Provide former detainees and the families of victims of genocide, crimes against humanity, and other abuses full, effective, and transformative justice and reparations per international legal standards and best practices.

**Investigations and Accountability:**

- Launch an impartial and independent investigation on Party Secretary Chen Quanguo and other government officials and persons suspected or implicated in genocide, crimes against humanity, and other abusive practices in relation to the “Strike Hard” campaign and provide accountability.

**Rights to Communication and Movement:**

- Allow for unrestricted and unmonitored communication, including by digital means, for people in the XUAR with family members and others, including those living overseas, except where restrictions can be seen as reasonable under international human rights law.
- Repeal or amend all laws, regulations, and measures that infringe upon the basic human rights of Uyghurs, and other predominantly Muslim and Turkic ethnic groups, specifically the right to leave and return to China without hindrance.

**Access and Transparency:**

- Grant unfettered access to the XUAR, as requested by the OHCHR and UN Special Procedures and allow independent human rights investigators and journalists unrestricted access to all of the XUAR.
- Cooperate substantively and effectively with the UN human rights mechanisms and Special Procedures, and any other independent international human rights monitoring and investigative mechanisms.

**Surveillance and Privacy Rights:**

- Abolish the Integrated Joint Operations Platform (IJOP) and erase all the compiled data.
- Terminate the mass collection of DNA and other personal data and biometrics of individuals without their free, prior, and informed consent, and destroy all data gathered.

**Forced Labor:**

- Immediately cease all use of forced labor in the XUAR and elsewhere in China, including through the so-called “poverty alleviation” or “labor transfer” programs within or outside of the XUAR.

**Freedom of Religion and Belief:**

- Ensure that everyone, including Muslims and all other religious communities are free to choose and observe their religion or beliefs, and to manifest these peacefully without fear of persecution.
- Halt any infringements of the rights of Uyghurs to live freely in accordance with their customs, culture, and religious practice, especially the “Becoming Family” program.
- Protect the cultural heritage, including the Uyghur language, and religious practices of Uyghurs by refraining from any actions that undermine their rights.

**Women:**

- End forced sterilization, forced abortion, and forced birth control practices implemented against Uyghur women and other ethnic peoples.
- End forced marriages of Uyghur women to Han Chinese men.

**Children:**

- Stop the forcible separation and transfer of Uyghur children from their families.

**Protection of Human Rights Defenders and Overseas Communities:**

- Prevent all forms of harassment and intimidation against Uyghurs, and other predominantly Muslim and Turkic ethnic groups with ties to the XUAR or China living overseas.
- End reprisals and other retaliatory measures against Uyghur human rights defenders and their families and loved ones, including those who engage in UN processes and other international human rights mechanisms.

**Legislation Reform:**

- Repeal or amend broadly defined provisions in the various national security laws, regulations, and measures, including the Anti-Espionage Law, National Security Law, Anti-terrorism Law, Foreign NGO Management Law, Cybersecurity Law, National Intelligence Law, as well as the Regulations on Religious Affairs, with international human rights law and standards.
- Amend relevant laws and regulations to require all Chinese companies to respect human rights throughout all business operations, regardless of where they operate.

## ENDNOTES

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### China

#### Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

## I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

## II. Scope of international obligations and cooperation with human rights mechanisms

2. The Independent Expert on the enjoyment of all human rights by older persons encouraged China to ratify all human rights treaties to which it was not yet a party, notably the International Covenant on Civil and Political Rights.<sup>2</sup> The Committee on the Elimination of Racial Discrimination recommended that China consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), Indigenous and Tribal Peoples Convention, 1989 (No. 169), and Domestic Workers Convention, 2011 (No. 189).<sup>3</sup>

3. The Committee on Economic, Social and Cultural Rights recommended that China ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>4</sup> The Committee on the Elimination of Racial Discrimination encouraged China to make the optional declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the Committee's competence to receive and consider individual communications.<sup>5</sup> The Committee on the Elimination of Discrimination against Women recommended that China ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.<sup>6</sup> The Committee on the Rights of Persons with Disabilities encouraged China to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities without delay.<sup>7</sup> OHCHR made similar recommendations.<sup>8</sup>

4. The Committee on Economic, Social and Cultural Rights recommended that China remove all reservations to the International Covenant on Economic, Social and Cultural

Rights to guarantee the direct applicability of all rights under the Covenant in its domestic legal order.<sup>9</sup> The Committee on the Elimination of Discrimination against Women remained concerned that the Convention on the Elimination of All Forms of Discrimination against Women was not directly applicable in the national courts of China.<sup>10</sup>

5. The Committee on the Elimination of Discrimination against Women recommended that China consider ratifying the 1961 Convention on the Reduction of Statelessness.<sup>11</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that China ratify the Convention against Discrimination in Education.<sup>12</sup>

6. Some special procedure mandate holders urged China to cooperate fully with the United Nations human rights system and grant unhindered access to independent experts who had received and addressed allegations of significant human rights violations and repression of fundamental freedoms.<sup>13</sup>

7. China made financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>14</sup>

### III. National human rights framework

#### 1. Constitutional and legislative framework

8. The Committee on Economic, Social and Cultural Rights recommended that China systematize a human rights impact assessment in the process of formulating legislation and policies in the areas of economic, social and cultural rights.<sup>15</sup> The Committee on the Elimination of Discrimination against Women also recommended that China adopt a national asylum law in conformity with international standards.<sup>16</sup>

#### 2. Institutional infrastructure and policy measures

9. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Independent Expert on older persons recommended that China establish an independent national human rights institution with a broad mandate to promote and protect human rights, including those of older persons, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and to afford it with adequate financial and human resources.<sup>17</sup>

### IV. Promotion and protection of human rights

#### A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

##### 1. Equality and non-discrimination

10. The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination expressed concern that China had not passed comprehensive, all-encompassing anti-discrimination legislation explicitly prohibiting all forms of discrimination, which was impeding full protection against discrimination in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights. The Committee on Economic, Social and Cultural Rights was also concerned about the lack of effective measures to combat de facto discrimination in the effective enjoyment of economic, social and cultural rights experienced by disadvantaged and marginalized individuals and groups.<sup>18</sup>

11. The Committee on Economic, Social and Cultural Rights and the Independent Expert on older persons stressed that the *hukou* system remained a source of inequality and prevented many older persons in practice from claiming their social benefits. The Independent Expert called on China to end that de facto discrimination and ensure that older internal urban



migrants enjoyed the same social security, health and other benefits as long-time urban residents.<sup>19</sup>

## **2. Right to life, liberty and security of person, and freedom from torture**

12. The Committee on Economic, Social and Cultural Rights and the Special Rapporteur on the situation of human rights defenders noted that mistreatment of human rights defenders in Chinese custody remained endemic and might amount to torture and other cruel, inhuman or degrading treatment.<sup>20</sup>

13. The Committee on the Elimination of Racial Discrimination expressed concern about reports according to which certain Tibetans, Uighurs and other ethnic minorities, peaceful political protestors and human rights defenders had been tortured or otherwise subjected to ill-treatment, and that certain Uighur detainees had been held incommunicado for prolonged periods, which put them at risk of torture and other ill-treatment.<sup>21</sup>

## **3. Human rights and counter-terrorism**

14. OHCHR and the Committee on the Elimination of Racial Discrimination expressed concern that the broad definition of terrorism, the vague references to extremism and the unclear definition of separatism in Chinese laws could potentially lead to the criminalization of peaceful civic and religious expression and facilitate the criminal profiling of ethnic and ethno-religious minorities, including Muslim Uighurs, Buddhist Tibetans and Mongolians.<sup>22</sup> The Committee on the Elimination of Racial Discrimination recommended that China review its existing relevant laws, regulations and practices in order to ensure that they were narrowly tailored, that there were effective monitoring mechanisms and sufficient safeguards against abuse, and that they were implemented in a manner that did not constitute profiling or discrimination on the grounds of race, colour, descent, nationality, ethnicity or ethno-religious identity.<sup>23</sup>

## **4. Administration of justice, including impunity, and the rule of law**

15. The Committee on Economic, Social and Cultural Rights expressed concern about the lack of independence of the judiciary in China, as well as the tendency in recent years towards increased political interference in the judiciary. It recommended that China take all necessary legislative and administrative measures to guarantee the full independence and impartiality of the judiciary.<sup>24</sup>

16. The Committee on the Elimination of Racial Discrimination also recommended that China ensure that victims of racist hate crimes and hate speech received support to facilitate reporting and were provided with appropriate remedies.<sup>25</sup>

## **5. Fundamental freedoms and the right to participate in public and political life**

17. The Committee on Economic, Social and Cultural Rights expressed concerns about widespread censorship. Most international social media and messaging platforms were blocked in China and blocks on global search engines also severely limited the content available on the country's Internet. The Committee also expressed concern about widespread and growing content restriction, and the fact that service providers were barred from setting up virtual private networks without government approval.<sup>26</sup>

18. UNESCO recommended that China decriminalize defamation and place it within a civil code in accordance with international human rights standards.<sup>27</sup>

19. The Committee on the Rights of Persons with Disabilities urged China to take all measures necessary to ensure that persons with disabilities were able to enjoy the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, including in their cooperation with the United Nations.<sup>28</sup>

20. The United Nations High Commissioner for Human Rights expressed concern that two prominent human rights defenders in China had been sentenced to lengthy prison terms, at variance with international human rights law standards. He emphasized the importance of taking steps to ensure that other human rights defenders were not targeted for exercising their human rights to freedom of expression, association and peaceful assembly.<sup>29</sup>

21. The Committee on the Elimination of Discrimination against Women expressed concern that women human rights defenders faced intimidation and harassment, including cases of sexual and other forms of gender-based violence, by the police and other State officials for their work on women's human rights, and that they might face harassment for their participation in the Committee's review of the report of China.<sup>30</sup>

22. The Committee on Economic, Social and Cultural Rights expressed concern about excessive restrictions with regard to the operation of independent non-governmental organizations, both in law and in practice, particularly with respect to non-governmental organizations working for the rights of ethnic and religious minorities.<sup>31</sup> The Committee on the Rights of Persons with Disabilities recommended that China recognize the role of civil society organizations as human rights defenders, prohibit any reprisals against individuals and organizations promoting the rights of persons with disabilities and take measures to protect the civic space.<sup>32</sup>

**6. Right to privacy**

23. The Committee on the Rights of Persons with Disabilities recommended that China ensure that the privacy of the personal data of persons with disabilities was comprehensively protected by data protection laws across the country, including through right of action and access to a remedy.<sup>33</sup>

**7. Right to marriage and family life**

24. The Committee on the Elimination of Discrimination against Women recommended that China ensure that women had the same rights as men with regard to custody of children; strictly enforce the Law on the Protection of Minors, which prohibited the practice of competing for custody rights by snatching or hiding underage children, and criminalized acts of "snatching and hiding" as child abduction; ensure that family courts took incidents of domestic or other forms of gender-based violence into consideration when deciding on child custody and visitation rights upon the dissolution of a marriage or de facto union; and ensure that the 30-day cooling off period should not be mandated.<sup>34</sup>

**8. Prohibition of all forms of slavery, including trafficking in persons**

25. The Committee on the Elimination of Racial Discrimination recommended that China intensify efforts to prevent, detect and combat trafficking in persons; consistently apply standard operating procedures for proactively identifying, assisting and rehabilitating victims of trafficking; and provide disaggregated data on the number of acts of trafficking and enslavement identified, investigated, prosecuted and sanctioned, and on remedies and assistance provided to victims.<sup>35</sup>

26. The Committee on the Elimination of Discrimination against Women expressed concerns that China was a country of destination for trafficking in women and girls from the Democratic People's Republic of Korea for purposes of sexual exploitation, forced marriage or concubinage; that women and girl defectors from the Democratic People's Republic of Korea were categorically classified as "illegal migrants", and some were forcibly returned; and that children born in China to women from the Democratic People's Republic of Korea were deprived of their rights to birth registration, nationality, education and health care because their birth could not be registered without exposing the mother to the risk of deportation to the Democratic People's Republic of Korea.<sup>36</sup>

27. Some special procedure mandate holders expressed concern that detainees from ethnic, linguistic or religious minorities might be forcibly subjected to blood tests and organ examinations such as ultrasound and X-rays, without their informed consent; while other prisoners were not required to undergo such examinations. The results of the examinations were reportedly registered in a database of living organ sources that facilitated organ allocation.<sup>37</sup>

**9. Right to work and to just and favourable conditions of work**

28. The Committee on Economic, Social and Cultural Rights expressed concern about the considerable proportion of workers in the informal economy and the fact that such workers

were de facto not adequately covered by labour and social protection laws. It recommended that China adopt a holistic approach in addressing the informal economy and take all measures necessary to reduce the extent of the informal economy and to increase employment opportunities in the formal labour market.<sup>38</sup>

29. The same Committee expressed concerns about reports of unsafe working conditions, including instances of injury and death, such as workers dying in fires in factories where they had been confined as part of coronavirus disease (COVID-19) quarantines; about reports of widespread harassment in the workplace, particularly sexual harassment of women; and about the non-signature of labour contracts and insufficient medical and accident insurance, particularly in the private and informal sectors, as well as insufficient labour inspection mechanisms, including in the Tibet Autonomous Region and the Xinjiang Uighur Autonomous Region.<sup>39</sup>

30. The same Committee also expressed concern that the All China Federation of Trade Unions was the only allowed structure for trade unions, preventing workers from freely exercising their right to form and join trade unions, and that the right of workers to strike was not provided for in the Trade Union Law.<sup>40</sup>

#### **10. Right to social security**

31. The Committee on Economic, Social and Cultural Rights recommended that China strengthen its efforts to extend the coverage of the social security system, especially to individuals belonging to ethnic minorities, to residents in rural areas and to rural-to-urban migrants, as well as to informal sector workers; and adopt the necessary measures to ensure that the amount of social assistance benefits was sufficient to cover the costs of living, including by setting up an effective and transparent indexation system.<sup>41</sup>

32. The Independent Expert on older persons encouraged China to further develop and unify the old-age support system, notably the urban and rural schemes; to delay the formal retirement age; and to effect change, making it easier for the urban population to join the employment-based scheme and provide incentives for their participation in basic pension schemes.<sup>42</sup>

#### **11. Right to an adequate standard of living**

33. Noting the continued significant progress made in alleviating poverty, the Committee on Economic, Social and Cultural Rights remained concerned that large disparities in living standards between regions and between urban and rural areas persisted, and that the living conditions of rural-to-urban migrants were poor, including with regard to the quality of housing, sanitation and access to safe drinking water.<sup>43</sup>

#### **12. Right to health**

34. The Independent Expert on older persons noted that remaining challenges included access to affordable health-care services, quality care and adequate coverage for health-related expenditure, especially in primary care service at the local level, in particular in rural areas.<sup>44</sup> The Committee on Economic, Social and Cultural Rights recommended that China undertake all necessary measures to improve its health-care services and guarantee the enjoyment of the right to good-quality and affordable health care to all persons throughout the country, particularly to disadvantaged and marginalized individuals, ethnic minorities and rural-to-urban migrants; and increase the budgetary allocations to the health sector and ensure their equitable distribution among the provincial, municipal and local authorities.<sup>45</sup>

#### **13. Right to education**

35. The Committee on Economic, Social and Cultural Rights recommended that China increase its overall expenditure on education as a percentage of the gross national product to reverse the relative downward trend of recent years; and take appropriate measures to ensure the equal distribution of funds, with a view to ensuring equal access to, and the availability of, education in urban and rural areas.<sup>46</sup>

36. The Committee on the Elimination of Discrimination against Women expressed concerns about the limited integration of human rights education in curricula at all levels of education; cases of sexual harassment and cyberbullying of girls at school; and the lack of data on access to education for disadvantaged groups of girls and women.<sup>47</sup>

#### 14. Cultural rights

37. The Committee on Economic, Social and Cultural Rights recommended that China take all necessary measures to ensure the full and unrestricted enjoyment by peoples and minorities of their right to enjoy fully their own cultural identity and take part in cultural life, to ensure the use and practice of their language and culture, and to abolish immediately the coerced residential (boarding) school system imposed on Tibetan children and allow private Tibetan schools to be established.<sup>48</sup> The Committee also recommended that China take adequate measures to protect cultural diversity and the cultural practices and heritage of religious minorities, including the religious practices of Tibetans, Uighurs, Kazakhs, Hui and Mongols, including by protecting and restoring religious sites.<sup>49</sup>

#### 15. Development, the environment, and business and human rights

38. The Committee on the Elimination of Racial Discrimination recommended that China take further steps to eliminate ethnic economic disparities by, inter alia, enhancing meaningful consultation with ethnic minority groups prior to and during poverty alleviation projects; expanding special measures to reduce high levels of poverty and related inequality among affected ethnic minorities; and further strengthening basic infrastructure and public services in predominantly ethnic minority areas, including rural areas.<sup>50</sup>

39. The Committee on Economic, Social and Cultural Rights expressed concern that current emission-reducing policies might not be sufficient for China to observe its obligations under the Paris Agreement, and that unsustainable practices had had an adverse impact on climate change beyond its borders, including the increase in recent years in the construction of coal-fired power plants abroad, as well as within the country, and the increase in licences and permits to construct coal-fired power plants.<sup>51</sup>

40. The same Committee recommended that China establish a clear regulatory framework for companies operating in the country to ensure that their activities promoted and did not negatively affect the enjoyment of economic, social and cultural rights; adopt a national action plan for business and human rights; ensure that business entities operating in the country or those domiciled under its jurisdiction and those acting abroad, including their sub-suppliers, as well as institutions that provided financing, were held accountable for their violations of economic, social and cultural rights, paying particular attention to Indigenous Peoples' and peasants' land rights, environmental impacts and expropriation in the context of real estate and infrastructure projects, and that follow-up and monitoring mechanisms were put in place to investigate and sanction them for their harmful activities; and ensure that victims of such violations had access to effective complaint mechanisms and affordable and effective remedies, including judicial remedies and adequate reparation.<sup>52</sup>

### B. Rights of specific persons or groups

#### 1. Women

41. The Committee on Economic, Social and Cultural Rights expressed concern that gender disparities persisted, especially in relation to employment, the gender wage gap, housing and access to higher education. Rural women continued to be disadvantaged, in particular with regard to land tenure and access to education, health care and employment. Gender role stereotypes persisted and women's representation in the judiciary and in senior public administration and political leadership positions remained unsatisfactory.<sup>53</sup>

42. The Committee on the Elimination of Discrimination against Women expressed concern that the stated objective of the Anti-Domestic Violence Law was harmonious relations between family members rather than the security of women and family members,

and that a small percentage of all domestic violence reported to the police resulted in restraining orders, endangering the security of women and the family.<sup>54</sup>

43. The same Committee expressed concern about the high number of women in detention, including in extralegal detention facilities and so-called “re-education” camps, where they were at risk of gender-based violence, torture and abuse, as well as about the continued existence of unregulated detention facilities, known as “black jails”, where women were allegedly detained.<sup>55</sup>

44. The same Committee also expressed concern that disadvantaged groups of women, such as women with disabilities, lesbian, bisexual, transgender and intersex, Tibetan and Uighur women and women from the Democratic People’s Republic of Korea, faced economic and linguistic barriers, as well as intersecting forms of discrimination, in accessing justice.<sup>56</sup>

45. The same Committee further expressed concern that women represented only 26.54 per cent of deputies to the fourteenth National People’s Congress, and that, since October 2022, there had been no women at the highest executive level.<sup>57</sup>

## 2. Children

46. The Committee on the Rights of Persons with Disabilities recommended that China develop strategies to ensure the participation of children with disabilities in consultation processes for the implementation of the Convention on the Rights of Persons with Disabilities that were inclusive, child-friendly, transparent and respectful of their rights to freedom of expression and thought.<sup>58</sup>

47. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that China consider including “nationality or other status” in the non-discrimination principle under the Law on the Protection of Minors to ensure access by refugee and asylum-seeking children to compulsory education and to facilitate their access to higher education, including vocational training.<sup>59</sup>

## 3. Older persons

48. The Independent Expert on older persons encouraged China to consider establishing an independent national equality body to monitor and report on discrimination issues, including discrimination against older persons or ageism.<sup>60</sup>

49. The Independent Expert stressed that in view of a general tendency towards the underreporting of cases of violence and abuse involving older persons, disseminating information to older persons about their rights was essential in encouraging them to disclose any abusive experiences.<sup>61</sup>

50. The Independent Expert called for further action to ensure that older persons, in particular older women and older persons with disabilities, enjoyed an adequate standard of living and had access to basic services, especially in rural areas.<sup>62</sup>

51. The Independent Expert highlighted the importance of providing for an adequate framework and forum dedicated to addressing key questions on the challenges and good practices related to how digital technology could serve older persons in terms of systems, services, content, applications and other products, while safeguarding their dignity and the enjoyment of all their human rights.<sup>63</sup>

## 4. Persons with disabilities

52. The Committee on the Rights of Persons with Disabilities recommended that China adopt a unified concept of disability in all professional and legal areas that was aligned with the purpose and principles of the Convention on the Rights of Persons with Disabilities and covered all persons with disabilities, including women and children with disabilities.<sup>64</sup>

53. The same Committee recommended that China include the provision of reasonable accommodation in all relevant laws and policies and adopt procedures and standards on implementation, including the duty to negotiate accommodations with applicant(s) requesting such accommodation, and access to action and remedy.<sup>65</sup>

54. The same Committee expressed concern about the lack of action taken to prevent the neglect, abandonment and starvation threatening the lives of persons with disabilities, particularly children with disabilities, and reported cases of the termination or withdrawal of medical treatment without the consent of the person concerned.<sup>66</sup>

55. The same Committee also expressed concern about the use of forced medical procedures and treatment, chemical, physical and mechanical restraints, and isolation and seclusion in prisons, residential care facilities and psychiatric institutions, as well as about the alleged use of coercive measures on persons with disabilities in institutions, in particular the shackling of persons with intellectual and/or psychosocial disabilities.<sup>67</sup>

56. The same Committee recommended that China introduce legislation containing an enforceable right to inclusive education and develop a comprehensive action plan for implementing high-quality inclusive education for all children with disabilities, including those with intellectual and/or psychosocial disabilities, with specific targets, time frames and budgets, the transfer of resources from special schools, and inclusive education curricula.<sup>68</sup>

## 5. Minorities

57. The Committee on the Elimination of Racial Discrimination recommended that China ensure the official recognition of all ethnic groups in its territory and the political representation of persons belonging to those groups.<sup>69</sup>

58. The same Committee expressed concern that recent efforts to reform the *hukou* system had not made substantial positive changes for many rural migrants, including members of ethnic minorities, recommending that China ensure that reforms to the *hukou* system allowed internal migrants, in particular members of ethnic minorities, to enjoy the same work and social security, health and education benefits as long-time urban residents.<sup>70</sup>

59. The same Committee also expressed concern that Tibetans were subjected to significant restrictions on movement within and beyond the Tibet Autonomous Region, that the issuance of passports for foreign travel was almost entirely banned, that Tibetan language teaching in schools had not been placed on an equal footing in law, policy and practice with Chinese and that it had been significantly restricted, that Tibetan language advocacy had been punished, and that Tibetans did not have access to Tibetan-language translations during court proceedings, which were held in Mandarin.<sup>71</sup>

60. Some special procedure mandate holders stated that the Government of China must provide information about nine Tibetan environmental human rights defenders serving prison sentences of up to 11 years. Between 2010 and 2019, nine Tibetan human rights defenders had been imprisoned in the course of their peaceful work to protect fragile environments. The special procedure mandate holders urged the Government to provide details on why and where they were being held and on their state of health, to provide them with adequate medical care and to permit their families access to visit them.<sup>72</sup>

61. Some special procedure mandate holders and the Committee on the Elimination of Discrimination against Women expressed concern about allegations that so-called “labour transfer” and “vocational training” programmes in the Tibet Autonomous Region were being used as a pretext to undermine Tibetan religious, linguistic and cultural identity, and to monitor and politically indoctrinate Tibetans, and warned that such programmes could lead to situations of forced labour.<sup>73</sup>

62. OHCHR stated that serious human rights violations had been committed in the Xinjiang Uighur Autonomous Region in the context of the Government’s application of counter-terrorism and counter-“extremism” strategies. The implementation of those strategies and associated policies had led to interlocking patterns of severe and undue restrictions on a wide range of human rights, which were characterized by a discriminatory component, as the underlying acts often directly or indirectly affected Uighur and other predominantly Muslim communities.<sup>74</sup> The Committee on the Elimination of Racial Discrimination expressed similar concerns.<sup>75</sup>

63. OHCHR recommended that China take prompt steps to release all individuals arbitrarily deprived of their liberty in the Xinjiang Uighur Autonomous Region, whether in “vocational education and training centres”, prisons or other detention facilities; urgently

clarify the whereabouts of individuals whose families had been seeking information about their loved ones, including by providing details of their exact locations and establishing safe channels of communication and travel enabling families to reunite; undertake a full review of the legal framework governing national security, counter-terrorism and minority rights to ensure their compliance with binding international human rights law, and urgently repeal all discriminatory laws, policies and practices against Uighur and other predominantly Muslim minorities, in particular those that had led to serious human rights violations; promptly investigate allegations of human rights violations in “vocational education and training centres” and other detention facilities, including allegations of torture, sexual violence, ill-treatment, forced medical treatment, as well as forced labour and reports of deaths in custody; ensure that surveillance, both online and offline, complied with strict tests of legality, necessity and proportionality, including for matters of national security, and did not infringe on fundamental rights and freedoms of individuals; provide adequate remedy and reparation to victims of human rights violations; clarify the reports of destruction of mosques, shrines and cemeteries by providing data and information and suspend all such activities in the meantime; and continue engagement with OHCHR to enable further assessment of the situation, and facilitate further visits by OHCHR and technical exchanges on human rights issues in the Xinjiang Uighur Autonomous Region, in follow-up to the High Commissioner’s visit.<sup>76</sup> The Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women made similar recommendations.<sup>77</sup>

64. The Committee on Economic, Social and Cultural Rights expressed concern about the discriminatory character of severe, systematic, vast and undue restrictions on a wide range of economic, social and cultural human rights, as well as the targeting of predominantly Uighur, Kazakh, Kyrgyz, Hui and Turkic-speaking peoples, as well as other ethnic Muslim communities, in the Xinjiang Uighur Autonomous Region.<sup>78</sup>

65. The Committee on the Elimination of Racial Discrimination expressed concern that, despite the increase in health-care funding and service provision in ethnic minority areas, certain ethnic minority groups had poorer access to health care, including prenatal care.<sup>79</sup> It also expressed concern that ethnic minority children living in rural areas had unequal access to quality education owing to various factors, including long distances from homes to schools.<sup>80</sup>

#### **6. Lesbian, gay, bisexual, transgender and intersex persons**

66. The Committee on the Elimination of Discrimination against Women expressed concern that lesbian, bisexual, transgender and intersex women faced high levels of gender-based violence, stigmatization and intersecting forms of discrimination, including in accessing education, employment and health services. It also expressed concern about the lack of legislation specifically prohibiting discrimination against lesbian, bisexual, transgender and intersex women.<sup>81</sup>

#### **7. Refugees and asylum-seekers**

67. The Committee on the Elimination of Racial Discrimination reiterated its concern that asylum-seekers from the Democratic People’s Republic of Korea continued to be forcibly returned despite credible claims for non-refoulement protection; and that many of their Chinese-born children were stateless and did not enjoy public education or other services because their parents feared facing refoulement upon registration of the births.<sup>82</sup> UNHCR recommended that China ensure that persons of all nationalities, including those from the Democratic People’s Republic of Korea seeking asylum in China, could have access to asylum procedures; and take all measures to ensure viable and effective humanitarian space for those asylum-seekers from the Democratic People’s Republic of Korea who might be determined to be in need of international protection, including issuing them with identification and documentation to legally reside in China.<sup>83</sup>

#### **8. Stateless persons**

68. The Committee on the Elimination of Discrimination against Women recommended that China ensure that all women, including refugee, asylum-seeking and migrant women, had access to civil registration procedures and basic services, that passports were not

confiscated on the basis of ethnic minority status and that national security legislation was not arbitrarily used to do so.<sup>84</sup>

### C. Specific regions or territories

69. The Human Rights Committee expressed deep concern that the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law) prevailed over other local laws in case of conflicts and consequently overrode fundamental rights and freedoms protected by the International Covenant on Civil and Political Rights.<sup>85</sup> The Human Rights Committee and the Committee on the Rights of Persons with Disabilities urged Hong Kong, China to urgently repeal and independently review the National Security Law, and to take prompt action to release human rights defenders with disabilities who had been arbitrarily deprived of their liberty under charges of terrorism and subversion of national security.<sup>86</sup>

70. The Human Rights Committee recommended that Hong Kong, China take concrete measures to eradicate torture and ill-treatment, in particular by ensuring that all persons deprived of their liberty had access to an independent and effective complaints mechanism without fear of reprisal, and by ensuring that all allegations of torture and ill-treatment were promptly, thoroughly and effectively investigated, that perpetrators were prosecuted and, if convicted, punished appropriately, and that victims received full reparation.<sup>87</sup>

71. The same Committee also recommended that Hong Kong, China take all measures necessary to strengthen the independence of the judiciary and protect the judiciary from any form of interference; respect and protect the right to a fair trial without discrimination based on political opinion or other grounds; and take the measures necessary to protect lawyers, particularly those who represented opposition figures or protesters and requested judicial reviews, from harassment, intimidation and attacks and ensure that all such allegations were promptly, independently and thoroughly investigated, that perpetrators were prosecuted and, if found guilty, punished with appropriate sanctions, and that victims had access to effective remedies.<sup>88</sup>

72. The Committee expressed concern that academics, journalists and civil society representatives had been arrested and charged with seditious offences for having legitimately exercised their right to freedom of speech, for example by chanting slogans in public, clapping in courts and expressing criticism of government activities.<sup>89</sup>

73. The Committee recommended that Hong Kong, China refrain from taking any action that was likely to curb the exercise of freedom of association, and ensure a safe environment for the activities of civil society organizations, including trade unions and student unions; and ensure that members and representatives of civil society organizations were not charged under the National Security Law or victimized in any other way as a result of their engagement with international human rights mechanisms.<sup>90</sup>

74. The Committee expressed deep concern about the excessive and indiscriminate use of less-lethal weapons and chemical substances, including rubber pellets, sponge bullets, tear gas and water cannons containing chemical irritants, against unarmed protesters, including pregnant women, bystanders, commuters and journalists, during protests from July to November 2019.<sup>91</sup>

75. The Committee recommended that Hong Kong, China take concrete steps, with a clear timeline, to introduce universal suffrage and reform the electoral system, by: increasing the number of seats directly elected by public voters in the Election Committee and the Legislative Council; introducing public voting for the election of the Chief Executive; revising candidate eligibility criteria to ensure diversity among candidates; and reviewing the criteria for and process of disqualification, and repealing discriminatory criteria.<sup>92</sup>

76. The Committee also recommended that Hong Kong, China strengthen the capacity, mandate and powers of the Office of the Privacy Commissioner for Personal Data to carry out independent and effective oversight of surveillance activities and interference with privacy, and ensure access to effective remedies in cases of abuse; and ensure that the data collected through the digital applications used in the context of the COVID-19 response were



used strictly for specific and legitimate objectives and were deleted when such objectives had been met.<sup>93</sup>

77. The Committee on Economic, Social and Cultural Rights recommended that Hong Kong, China expand the scope of rental housing subsidies to low-income households, consider increasing the financing of public housing construction projects, and lower the threshold for financial eligibility for public housing.<sup>94</sup> It also recommended that Hong Kong, China earmark funding to improve mental health-care services at both the preventive and the curative levels.<sup>95</sup>

78. The Committee on the Elimination of Discrimination against Women recommended that Hong Kong, China strengthen legal safeguards to protect women migrant domestic workers from discrimination and abuse by employers and recruitment and placement agencies, including by increasing labour inspections to private households, and effectively investigate and punish exploitative and abusive practices of employers.<sup>96</sup>

79. The Human Rights Committee recommended that Macao, China take the steps necessary to establish an effective and independent complaints mechanism to receive, handle and investigate allegations of torture and ill-treatment, lodged without fear of reprisals, in all places of deprivation of liberty, including psychiatric institutions.<sup>97</sup>

80. The same Committee recommended that Macao, China ensure that its regulations governing data retention and access, surveillance, including mass surveillance through the public closed-circuit television system, and interception activities, including the draft legislation on wiretapping, were in conformity with the International Covenant on Civil and Political Rights.<sup>98</sup>

81. The Committee on Economic, Social and Cultural Rights recommended that Macao, China pass legislation to regulate the right to form and join trade unions and the right to strike; and take all necessary measures to ensure that workers enjoyed their trade union rights without undue restrictions or interference.<sup>99</sup>

#### Notes

<sup>1</sup> A/HRC/40/6, A/HRC/40/6/Add.1 and A/HRC/40/2.

<sup>2</sup> A/HRC/45/14/Add.1, para. 70.

<sup>3</sup> CERD/C/CHN/CO/14-17, para. 55. See also OHCHR, "OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People's Republic of China", 31 August 2022, para. 151 (xi).

<sup>4</sup> E/C.12/CHN/CO/3, para. 154.

<sup>5</sup> CERD/C/CHN/CO/14-17, para. 59.

<sup>6</sup> CEDAW/C/CHN/CO/9, para. 12 (c).

<sup>7</sup> CRPD/C/CHN/CO/2-3, para. 5.

<sup>8</sup> OHCHR, "OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People's Republic of China", para. 151.

<sup>9</sup> E/C.12/CHN/CO/3, para. 6 (a).

<sup>10</sup> CEDAW/C/CHN/CO/9, paras. 11 and 12 (a) and (b).

<sup>11</sup> Ibid., para. 38 (a).

<sup>12</sup> UNESCO submission for the universal periodic review of China, para. 18 (i).

<sup>13</sup> See <https://www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible>.

<sup>14</sup> OHCHR, *United Nations Human Rights Report 2022*; OHCHR, *United Nations Human Rights Report 2021*; OHCHR, *United Nations Human Rights Report 2020*; OHCHR, *United Nations Human Rights Report 2019*; and OHCHR, *United Nations Human Rights Report 2018*.

<sup>15</sup> E/C.12/CHN/CO/3, para. 6.

<sup>16</sup> CEDAW/C/CHN/CO/9, para. 38 (a).

<sup>17</sup> E/C.12/CHN/CO/3, paras. 11 and 12; CEDAW/C/CHN/CO/9, paras. 19 and 20; and A/HRC/45/14/Add.1, para. 70. See also CERD/C/CHN/CO/14-17, paras. 9 and 10.

<sup>18</sup> E/C.12/CHN/CO/3, para. 33; and CERD/C/CHN/CO/14-17, para. 7.

<sup>19</sup> E/C.12/CHN/CO/3, paras. 37 and 38; and A/HRC/45/14/Add.1, para. 85.

<sup>20</sup> E/C.12/CHN/CO/3, paras. 15 and 16; and see <https://www.ohchr.org/en/press-releases/2021/06/china-human-rights-defenders-given-long-jail-terms-tortured-un-expert>.

<sup>21</sup> CERD/C/CHN/CO/14-17, para. 38.

- <sup>22</sup> OHCHR, “OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People’s Republic of China”, paras. 143 and 144; and [CERD/C/CHN/CO/14-17](#), para. 36.
- <sup>23</sup> [CERD/C/CHN/CO/14-17](#), para. 37. See also [https://www.ilo.org/dyn/normlex/en/f?p=1000:13203:0::NO:13203:P13203\\_COUNTRY\\_ID:103404](https://www.ilo.org/dyn/normlex/en/f?p=1000:13203:0::NO:13203:P13203_COUNTRY_ID:103404).
- <sup>24</sup> [E/C.12/CHN/CO/3](#), paras. 9 and 10.
- <sup>25</sup> [CERD/C/CHN/CO/14-17](#), para. 16 (d).
- <sup>26</sup> [E/C.12/CHN/CO/3](#), paras. 93–97.
- <sup>27</sup> UNESCO submission, para. 19.
- <sup>28</sup> [CRPD/C/CHN/CO/2-3](#), para. 45.
- <sup>29</sup> See <https://www.ohchr.org/en/statements/2023/04/comment-un-human-rights-chief-volker-turk-sentencing-human-rights-defenders>.
- <sup>30</sup> [CEDAW/C/CHN/CO/9](#), paras. 35 and 36. See also [E/C.12/CHN/CO/3](#), paras. 15 and 16.
- <sup>31</sup> [E/C.12/CHN/CO/3](#), paras. 13 and 14.
- <sup>32</sup> [CRPD/C/CHN/CO/2-3](#), para. 9 (b). See also [CERD/C/CHN/CO/14-17](#), para. 32.
- <sup>33</sup> [CRPD/C/CHN/CO/2-3](#), para. 47.
- <sup>34</sup> [CEDAW/C/CHN/CO/9](#), paras. 59 and 60.
- <sup>35</sup> [CERD/C/CHN/CO/14-17](#), para. 50. See also [CEDAW/C/CHN/CO/9](#), para. 28.
- <sup>36</sup> [CEDAW/C/CHN/CO/9](#), paras. 29 and 30. See also <https://www.ohchr.org/en/press-releases/2023/10/china-must-not-forcibly-repatriate-north-korean-escapees-un-experts>.
- <sup>37</sup> See <https://www.ohchr.org/en/press-releases/2021/06/china-un-human-rights-experts-alarmed-organ-harvesting-allegations>.
- <sup>38</sup> [E/C.12/CHN/CO/3](#), paras. 48 and 49.
- <sup>39</sup> *Ibid.*, paras. 52 and 53.
- <sup>40</sup> *Ibid.*, paras. 55 and 56.
- <sup>41</sup> *Ibid.*, paras. 64 and 65.
- <sup>42</sup> [A/HRC/45/14/Add.1](#), para. 83. See also [E/C.12/CHN/CO/3](#), paras. 60–63.
- <sup>43</sup> [E/C.12/CHN/CO/3](#), paras. 72 and 73.
- <sup>44</sup> [A/HRC/45/14/Add.1](#), para. 42.
- <sup>45</sup> [E/C.12/CHN/CO/3](#), paras. 76 and 77. See also [CRPD/C/CHN/CO/2-3](#), para. 53 (a).
- <sup>46</sup> [E/C.12/CHN/CO/3](#), paras. 86 and 87.
- <sup>47</sup> [CEDAW/C/CHN/CO/9](#), paras. 39 and 40.
- <sup>48</sup> [E/C.12/CHN/CO/3](#), paras. 88 and 89. See also <https://www.ohchr.org/en/press-releases/2023/02/china-un-experts-alarmed-separation-1-million-tibetan-children-families-and>; and <https://www.ohchr.org/en/press-releases/2023/04/china-vocational-training-programmes-threaten-tibetan-identity-carry-risk>.
- <sup>49</sup> [E/C.12/CHN/CO/3](#), paras. 90–92.
- <sup>50</sup> [CERD/C/CHN/CO/14-17](#), para. 19.
- <sup>51</sup> [E/C.12/CHN/CO/3](#), paras. 24 and 25. See also [CEDAW/C/CHN/CO/9](#), para. 50.
- <sup>52</sup> [E/C.12/CHN/CO/3](#), paras. 17 and 18. See also [A/HRC/45/14/Add.1](#), para. 99; and [E/C.12/CHN/CO/3](#), paras. 19–21.
- <sup>53</sup> [E/C.12/CHN/CO/3](#), paras. 43–45.
- <sup>54</sup> [CEDAW/C/CHN/CO/9](#), para. 25.
- <sup>55</sup> *Ibid.*, paras. 57 and 58.
- <sup>56</sup> *Ibid.*, paras. 15 and 16 (c).
- <sup>57</sup> *Ibid.*, para. 33.
- <sup>58</sup> [CRPD/C/CHN/CO/2-3](#), para. 19.
- <sup>59</sup> UNHCR submission for the universal periodic review of China, p. 4.
- <sup>60</sup> [A/HRC/45/14/Add.1](#), para. 77.
- <sup>61</sup> *Ibid.*, para. 79.
- <sup>62</sup> *Ibid.*, para. 82.
- <sup>63</sup> *Ibid.*, para. 98.
- <sup>64</sup> [CRPD/C/CHN/CO/2-3](#), para. 7. See also [E/C.12/CHN/CO/3](#), paras. 39 and 40.
- <sup>65</sup> [CRPD/C/CHN/CO/2-3](#), para. 13 (b).
- <sup>66</sup> *Ibid.*, para. 24.
- <sup>67</sup> *Ibid.*, para. 34.
- <sup>68</sup> *Ibid.*, para. 51 (a).
- <sup>69</sup> [CERD/C/CHN/CO/14-17](#), para. 22. See also <https://www.ohchr.org/en/press-releases/2022/11/china-un-committee-elimination-racial-discrimination-calls-probe-xinjiang>.
- <sup>70</sup> [CERD/C/CHN/CO/14-17](#), paras. 34 and 35. See also [E/C.12/CHN/CO/3](#), para. 38.
- <sup>71</sup> [CERD/C/CHN/CO/14-17](#), para. 43.
- <sup>72</sup> See <https://www.ohchr.org/en/press-releases/2023/08/china-un-experts-seek-clarification-about-nine-imprisoned-tibetan-human>.

- <sup>73</sup> See <https://www.ohchr.org/en/press-releases/2023/04/china-vocational-training-programmes-threaten-tibetan-identity-carry-risk>; and CEDAW/C/CHN/CO/9, paras. 41 (f) and 42 (f). See also <https://www.ohchr.org/en/press-releases/2023/02/china-un-experts-alarmed-separation-1-million-tibetan-children-families-and>.
- <sup>74</sup> OHCHR, “OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People’s Republic of China”, para. 143.
- <sup>75</sup> CERD/C/CHN/CO/14-17, paras. 40–42.
- <sup>76</sup> OHCHR, “OHCHR assessment of human rights concerns in the Xinjiang Uighur Autonomous Region, People’s Republic of China”, para. 151.
- <sup>77</sup> CERD/C/CHN/CO/14-17, para. 42; and CEDAW/C/CHN/CO/9, paras. 43 (d) and 44 (d). See also E/C.12/CHN/CO/3, paras. 70 and 71; and A/HRC/51/26, paras. 23 and 24.
- <sup>78</sup> E/C.12/CHN/CO/3, paras. 35 and 36. See also CEDAW/C/CHN/CO/9, para. 41 (g).
- <sup>79</sup> CERD/C/CHN/CO/14-17, para. 28.
- <sup>80</sup> Ibid., para. 23.
- <sup>81</sup> CEDAW/C/CHN/CO/9, paras. 55 and 56. See also E/C.12/CHN/CO/3, para. 34.
- <sup>82</sup> CERD/C/CHN/CO/14-17, paras. 51 and 52.
- <sup>83</sup> UNHCR submission, pp. 5 and 6.
- <sup>84</sup> CEDAW/C/CHN/CO/9, para. 38 (b).
- <sup>85</sup> CCPR/C/CHN-HKG/CO/4, paras. 4, 13 and 14.
- <sup>86</sup> Ibid., para. 5; and CRPD/C/CHN/CO/2-3, para. 74. See also <https://www.ohchr.org/en/press-releases/2023/10/chinahong-kong-sar-un-experts-concerned-about-ongoing-trials-and-arrest>.
- <sup>87</sup> CCPR/C/CHN-HKG/CO/4, paras. 23 and 24.
- <sup>88</sup> Ibid., paras. 33–38. See also E/C.12/CHN/CO/3, paras. 100 and 101.
- <sup>89</sup> CCPR/C/CHN-HKG/CO/4, paras. 15 and 16.
- <sup>90</sup> Ibid., paras. 49 and 50. See also E/C.12/CHN/CO/3, paras. 114 and 115.
- <sup>91</sup> CCPR/C/CHN-HKG/CO/4, paras. 19, 20 and 45–48. See also CRPD/C/CHN/CO/2-3, para. 70.
- <sup>92</sup> CCPR/C/CHN-HKG/CO/4, paras. 51 and 52.
- <sup>93</sup> Ibid., paras. 39 and 40.
- <sup>94</sup> E/C.12/CHN/CO/3, paras. 120 and 121.
- <sup>95</sup> Ibid., paras. 122–125.
- <sup>96</sup> CEDAW/C/CHN/CO/9, paras. 77 and 78. See also E/C.12/CHN/CO/3, paras. 110–113; CCPR/C/CHN-HKG/CO/4, paras. 31 and 32; and CERD/C/CHN/CO/14-17, para. 30.
- <sup>97</sup> CCPR/C/CHN-MAC/CO/2, paras. 18–21.
- <sup>98</sup> Ibid., paras. 32 and 33.
- <sup>99</sup> E/C.12/CHN/CO/3, paras. 138 and 139.

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HONG KONG  
WATCH

**“Sell Out My Soul”:**  
*The Impending Threats to Freedom of  
Religion or Belief in Hong Kong*

Sponsored by  
 TAIWAN FOUNDATION  
for DEMOCRACY  
臺灣民主基金會

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### Foreword by Fiona Bruce MP and Ambassador Samuel Brownback

Freedom of religion or belief is about so much more than simply the right to go to a place of worship once a week. It is about more than the right to go to church on Sundays, the mosque on Fridays, the temple or the synagogue or any other place of worship. It is, as expressed in Article 18 of the Universal Declaration of Human Rights, a fully-fledged expression of conscience.

Interpreted in this way, this basic and fundamental human right is clearly under increasing and intensifying threat in Hong Kong, as this new and excellent report by Hong Kong Watch details.

As Patrons of Hong Kong Watch and as active leaders in the global movement for religious freedom, we endorse this report wholeheartedly and support its recommendations.

In particular, this report helps pinpoint some early warning signs of threats to freedom of religion or belief in Hong Kong – related to self-censorship, the threats to religious freedom in the education sector, Beijing's Sinicization campaign and the continued crackdown on freedom of expression which impacts freedom of religion – and it serves as a vital reminder and wake-up call to us all to watch, monitor and respond appropriately to the deterioration in freedom of religion or belief in Hong Kong.

We totally support Hong Kong Watch's call for the world to pay attention to Hong Kong, to monitor the impact on religious freedom of the continuous dismantling of overall basic freedoms, the particular impact of the draconian National Security Law and further security laws to come, and we call on the Hong Kong and Chinese governments to abide by their obligations under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and all international treaty obligations.

Together with our colleagues in similar roles across the globe, we shall be watching Hong Kong – and we will be ready to act when needed.

**Fiona Bruce MP**, Patron of Hong Kong Watch

**Ambassador Sam Brownback**, Patron of Hong Kong Watch

## Executive Summary

The title of this report, *Sell Out My Soul*, is inspired by the words of a well-known Christian hymn, *Tell Out My Soul*. It reflects the compromises which religious believers in Hong Kong are increasingly having to make in order to protect some space for freedom of religion or belief, amidst impending threats to the exercise of that basic human right.

Freedom of religion or belief, as set out in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, is under slowly increasing pressure in Hong Kong, as other basic rights and freedoms, especially freedom of expression, assembly and association and the freedom of the press have been undermined and dismantled, under the impact of the draconian National Security Law imposed on Hong Kong on 30 June 2020.

In one sense, the specific right to *freedom of worship* remains intact – people are still free to go to church, to the mosque, to the synagogue or temple. Religious believers can still easily access the Bible, the Qu'ran or other religious sacred scriptures and religious education materials. Unlike in mainland China, where there is severe – and sometimes violent – persecution of religion, including the dismantling of crosses, the closure, destruction or desecration of places of worship and the arrest and imprisonment of religious leaders and practitioners, religious believers in Hong Kong are not yet facing religious persecution.

However, there are clear signs of violations of freedom of religion or belief and early warning signs of worse to come.

This report looks at four main indicators of the impending threats to freedom of religion or belief:

- The impact of the National Security Law and potential new restrictive, repressive laws to come;
- Self-censorship;
- The impact on the education sector, and particularly church-run schools;
- Beijing's campaign of "Sinicization" of religion and the "patriotism" test.

Although much of the current pressure on religious leaders could arguably be described as more political than religious, including the arrest of Hong Kong's Catholic Bishop Emeritus Cardinal Joseph Zen in 2021 and the police raid of the Good Neighbour North District Church in 2020, and the subsequent decision by HSBC to freeze the bank accounts of the church and its pastor, due to their association with the pro-democracy protest movement, nevertheless these and other actions impact the exercise of freedom of religion or belief in its fullest interpretation.

In 2022, the pro-Beijing newspaper *Ta Kung Pao*, owned by the Liaison Office of the Central People's Government, carried an unprecedented spread of four articles attacking religion from different angles. These articles, which are analysed in the report, serve as one of the clearest early warning signs that all is not well for freedom of religion or belief in Hong Kong and that we should expect worse to come.



On 1 October 2023, China's National Day, Hong Kong's Anglican Cathedral of St John displayed the flag of the People's Republic of China in the sanctuary beside the altar during its Sunday services.<sup>1</sup> Although this is normal practice in some countries, such as the United States, it is not so in many countries and was not the expected practice in Hong Kong until now. It was followed just over two weeks later by a flag-raising ceremony at the Kowloon Mosque and Islamic Centre on 17 October 2023, with the Secretary for Home and Youth Affairs Alice Mak Mei-kuen in attendance.<sup>2</sup> Symbolically, it is a significant indicator of the Chinese Communist Party's intention to do to religion in Hong Kong what it has done in mainland China, even if it is to a less intense extent: coerce and subsume religious institutions into its apparatus of control.

In response to these early warning signs, the international community should monitor the situation of freedom of religion or belief in Hong Kong, especially the upcoming legislation regarding Article 23 of the Basic Law, the crowdfunding law and possible amendments to the Chinese Temple Ordinance, very closely.

In particular:

- those governments which have official envoys dedicated to this theme, particularly the United States Ambassador-at-Large for International Religious Freedom and the State Department Office of International Religious Freedom; the United States Commission on International Religious Freedom; the European Union's Special Envoy for freedom of religion or belief outside the EU; the United Kingdom Prime Minister's Special Envoy for freedom of religion or belief; Taiwan's Ambassador-at-Large for International Religious Freedom, and others, should monitor the situation in Hong Kong closely. They should produce an annual report on the situation of freedom of religion or belief in Hong Kong, as the US State Department already does.
- All 42 countries within the International Religious Freedom or Belief Alliance (IRFBA) should monitor closely and report regularly on developments in Hong Kong.
- The United Kingdom's Six-Monthly Report annual report on Hong Kong should include the situation of freedom of religion or belief.
- The European Union's annual report on Hong Kong should include the situation of freedom of religion or belief.
- The international community should also reiterate the UN Human Rights Committee's recommendations to the Hong Kong and Chinese governments, in its review of Hong Kong's obligations under the ICCPR, that the National Security Law

<sup>1</sup> Hong Kong Free Press, "Hong Kong's oldest church building displays China's flag for first time on National Day," 1 October 2023 - <https://hongkongfp.com/2023/10/01/hong-kongs-oldest-church-building-displays-chinas-flag-for-first-time-on-national-day/>

<sup>2</sup> The Standard, "Home affairs chief praises Islamic integration after flag raising ceremony at Kowloon Mosque," 17 October 2023 - <https://www.thestandard.com.hk/breaking-news/section/4/209355/Home-affairs-chief-praises-Islamic-integration-after-flag-raising-ceremony-at-Kowloon-Mosque>, also reported by Radio Free Asia, 18 October 2023 - <https://www.rfa.org/cantonese/features/hottopic/feature-hk-muslim-10182023000647.html>

and sedition law should be repealed and the authorities should refrain from enforcing them immediately.<sup>3</sup>

- The United Nations Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the right to education should also pay close attention to the situation in Hong Kong.

<sup>3</sup> United Nations, Human Rights Committee, Concluding Observations, 2022 - <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsr2bAznTlrkyo4FUNHETCQ0Y7P%2Fow040gd8LZ9d1NQu1IijZpy6SRHzfb%2F5%2BcOjaAyzu%2Bcc17dwDhDhWKYIdel.cOxK4cDHo05917Gn9hyZz%2FRZXPG%2BD%2FCW8HWkhexMQiQ%3D%3D>

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Research was based on first-hand interviews and background conversations with several Christian clergy and laity from Hong Kong from multiple church traditions and denominations, as well as with several scholars and experts who specialise in freedom of religion or belief. Most, for understandable security reasons, prefer to be anonymous.

Much of the evidence compiled in this report is also drawn from publicly available sources, including media reports and information published by other organisations, such as China Aid and Christian Solidarity Worldwide (CSW), but always corroborated and verified with expert sources.

The report was reviewed internally by Hong Kong Watch's policy and advocacy team, in particular Sam Goodman, Director of Policy and Advocacy, and Anouk Wear, Research and Policy Advisor, who also conducted some interviews and translated Chinese language materials.

The report was also reviewed externally by experts in freedom of religion or belief, including Dr Eric Lai, Visiting Researcher at the Dickson Poon School of Law, King's College, London; Bob Fu, founder and President of China Aid; Nina Shea, Senior Fellow and Director of the Centre for Religious Freedom at the Hudson Institute; Pastor Roy Chan; and others who wish to remain anonymous.

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## Introduction

Freedom of religion or belief – abbreviated to “FoRB” among specialists – is about much more than simply freedom of worship. Commonly known as “religious freedom”, it is derived from Article 18 of the Universal Declaration of Human Rights, which states:

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>4</sup>*

Article 18 of the International Covenant on Civil and Political Rights (ICCPR),<sup>5</sup> to which the Hong Kong Special Administrative Region (HKSAR) of the People’s Republic of China is a party, unpacks this in more detail, stating that:

*“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*

*2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*

*3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*

*4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”*

Hong Kong’s own Basic Law, its mini-constitution, which incorporates its obligations as a party to the ICCPR, warrants the applicability of the ICCPR in Article 39 of Chapter III of the Basic Law, including the protection of freedom of religion or belief. Article 32 of Chapter III of the Basic Law states that:

*“Hong Kong residents shall have freedom of conscience. Hong Kong residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public.”<sup>6</sup>*

Article 137 of Chapter IV of the Basic Law states that:

*“schools run by religious organisations may continue to provide religious education, including courses in religion.”*

<sup>4</sup> Universal Declaration of Human Rights – available here: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>

<sup>5</sup> International Covenant on Civil and Political Rights – available here: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>6</sup> The Basic Law – available here: <https://www.basiclaw.gov.hk/en/index/>

Article 141 of Chapter IV of the Basic Law states that:

*"The Government of the Hong Kong Special Administrative Region shall not restrict the freedom of religious belief, interfere in the internal affairs of religious organizations or restrict religious activities which do not contravene the laws of the Region.*

*Religious organizations shall, in accordance with law, enjoy the rights to acquire, use, dispose of and inherit property and the right to receive financial assistance. Their previous property rights and interests shall be maintained and protected.*

*Religious organizations may, according to their previous practice, continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services.*

*Religious organizations and believers in the Hong Kong Special Administrative Region may maintain and develop their relations with religious organizations and believers elsewhere."*

Until the imposition of the draconian National Security Law on Hong Kong by the central government in Beijing, there were few reasons to be concerned about freedom of religion or belief in Hong Kong. Generally, freedom of religion or belief was upheld, protected and practised, although in 2004 the government amended the Education Ordinance to introduce a school-based management system, meaning that the sponsoring body no longer has complete control of the appointment of education institution board members. As Lai Yan-ho has written, "different stakeholders must be included on boards and, while this looks more democratic and representative, it in fact diminishes the role of sponsoring bodies, including churches."<sup>7</sup> The Hong Kong Catholic Diocese openly challenged the reform as, in Lai's words, "an intrusion into its autonomy and religious freedoms", but it lost a judicial review in 2011, illustrating the "diminishing influence of religious organisations in society". This was just one of many social issues on which Cardinal Zen and other church groups found themselves increasingly in opposition to government policies, from the right of abode for new immigrants to civic and political rights and democracy. As Lai notes, "tensions between the state's attempts at social control and the church's advocacy on human rights increased" since the handover.<sup>8</sup>

Nevertheless, even today, it is important to acknowledge that freedom of worship in its most narrowly-defined form – the freedom to go to a church, a mosque, a temple or a synagogue, or any other place of worship – remains intact in Hong Kong. Unlike in mainland China, where thousands of churches, mosques and temples have been closed or destroyed, crosses dismantled and religious adherents severely persecuted, in Hong Kong today people can go to a place of worship, read religious scriptures and other religious literature and conduct other religious activities reasonably freely.

However, the impact of the National Security Law has been to dismantle or undermine many of Hong Kong's freedoms, including freedom of expression, freedom of assembly, freedom of association and freedom of the press. Almost all independent or pro-democracy media has been shut down, over 66 civil society organisations, including trade

<sup>7</sup> Lai Yan-ho, "Hong Kong's Catholic Church: Which way forward?," UCANews, 11 August 2017 - <https://www.ucanews.com/amp/hong-kongs-catholic-church-which-way-forward/79974>

<sup>8</sup> Lai Yan-ho, "What can Hong Kong Catholics learn from the past 20 years?," UCANews, 30 June 2017 - <https://www.ucanews.com/amp/what-can-hong-kong-catholics-learn-from-the-past-20-years/79631>

unions, have closed, the pro-democracy camp has been excluded from the Legislative Council, and hundreds of political prisoners are in jail, including former elected legislators.

This is already, inevitably, affecting freedom of religion or belief in its fullest form. This includes self-censorship in sermons, implications for faith-based schools, pressure on religious groups, especially the Catholic and Protestant churches, to develop closer ties with mainland China, an emphasis on "patriotism" and the criminalisation of "collusion with foreign forces". This report will examine these and other challenges in more detail. As Theodora Yu wrote in an article in *The Washington Post* in May 2022, "Hong Kong's wide-ranging crackdown on all forms of social protest is now being felt by its churches, a backbone of the city's once vibrant activism, and its religious spaces are now being brought under state control much the way they are in the rest of China."<sup>9</sup>

Hong Kong's population of 7.413 million people includes many who are adherents of different religions. According to the HKSAR government statistics from July 2022, there are more than one million followers of Taoism and more than one million Buddhists; 480,000 Protestants; 379,000 Catholics; 300,000 Muslims; 100,000 Hindus; and 12,000 Sikhs.<sup>10</sup>

It should be noted that several of the key leaders of Hong Kong's pro-democracy movement are Christians – both Catholic and Protestant – including Catholics such as 91 year-old Cardinal Joseph Zen, Bishop Emeritus of the Catholic Diocese of Hong Kong, 85 year-old barrister Martin Lee, known as the father of the democracy movement, and 75 year-old entrepreneur and publisher Jimmy Lai, who has already spent almost three years in prison and faces a new trial under the National Security Law which could lead to a life sentence; as well as Protestants such as 79 year-old pastor the Reverend Chu Yiu-ming, who was convicted for his role in the 2014 Occupy Central Movement (which became the Umbrella Movement) and received a suspended sentence, and currently imprisoned 59 year-old law professor Benny Tai, another of the leaders of the Occupy Central Movement, and 26 year-old Joshua Wong, who rose to prominence as a teenage activist.

It is also worth recalling that in the protests in Hong Kong in 2019, Christians were very prominent, with prayer vigils held regularly and the hymn "Sing Hallelujah to the Lord" becoming – for a time – an anthem for the demonstrators. As Lai Yan-ho writes, "believers of various Christian denominations were deeply involved in the movement" and the hymn "signified the engagement of Christian believers and ministers in the protests and symbolised the peaceful and non-violent nature of the movement during its early stages."<sup>11</sup>

Just before the march of one million people on 9 June 2019, two major Christian denominations, the Christian Missionary Alliance Church Union Hong Kong and the Baptist Convention of Hong Kong published statements calling on the Hong Kong

<sup>9</sup> The Washington Post, "Hong Kong churches no longer off-limits as Beijing tightens grip on dissent," 13 May 2022 - <https://www.washingtonpost.com/world/2022/05/13/hong-kong-church-crackdown-catholic-dissent/>

<sup>10</sup> The Government of the Hong Kong Special Administrative Region, Census and Statistics Department - <https://www.censtatd.gov.hk/en/EIndexbySubject.html?pcode=FA100061&scode=190>

<sup>11</sup> Lai Yan-ho, "Discernment of Spirits and Pastoral Circle in Social Movement: A Theological Reflection on Hong Kong's Anti-extradition Protests," Hong Kong Journal of Catholic Studies, Issue No.11, 2020, [https://catholic.crs.cuhk.edu.hk/Main/wp-content/uploads/2020/12/Journal\\_11\\_1218-138-191-Ch5-Eric-Lai.pdf](https://catholic.crs.cuhk.edu.hk/Main/wp-content/uploads/2020/12/Journal_11_1218-138-191-Ch5-Eric-Lai.pdf)

government to suspend and withdraw the extradition bill. Christian pastors also held a press conference to condemn the excessive use of force by the police and the use of insulting language against religion by the police. The Hong Kong Federation of Catholic Students and members of the Catholic Diocesan Youth Commission Hong Kong organised prayer meetings and outdoor Masses, Auxiliary Bishop Joseph Ha attended prayer meetings at protest sites many times, and of course Cardinal Zen continued to be active in the campaign against the bill and the government's handling of the protests. Cardinal John Tong, Apostolic Administrator of the Hong Kong Diocese, called on the government to establish an independent commission of inquiry into the police conduct.<sup>12</sup>

Some pastors opened their churches to provide sanctuary for the protesters as well, notably four churches along the route of rallies, including a Catholic parish, The Church of Christ in China, and two Methodist churches which opened as shelters to provide medical, psychological and spiritual assistance and shelter.<sup>13</sup> They were attacked in the pro-Beijing media for doing so. As Lai notes, throughout 2019 and especially on 12 June when thousands of protestors demonstrated to try to stop the passage of the extradition bill in the Legislative Council, "hundreds of Christians held prayer meetings around the government headquarters, and some pastors formed human chains before riot police in hopes of protecting the crowds."<sup>14</sup>

Some might argue that there is much more religious freedom in Hong Kong than in mainland China, and of course that is correct. The threats to freedom of religion or belief are much more subtle, complex and undramatic, and therefore more difficult to identify. However, this report aims to outline some of the existing challenges posed to freedom of religion or belief, and is written as an early warning sign to alert the international community to potential further erosion of this basic right in Hong Kong.

The title for this report – "Sell Out My Soul" – is inspired by the great Christian hymn "Tell Out My Soul", and it calls attention to the clear game-plan of the Chinese Communist Party (CCP) and its associates in the Hong Kong SAR government.

In the course of the research for this report, Hong Kong Watch conducted first-hand interviews with religious leaders and scholars from Hong Kong, many of whom requested to be cited anonymously for their security or the security of their families and congregations in Hong Kong, and much of their testimony is not directly cited but provided valuable background for the report. In addition, due to the challenges of conducting direct research in Hong Kong, the report draws extensively on available public source material.

It is unlikely – though not impossible – that we will see the dramatic, visible, physical persecution of religious adherents in Hong Kong that we see in mainland China. It is unlikely that we will witness the destruction of churches or dismantling of crosses in Hong Kong, for example.

Why?

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<sup>12</sup> Ibid.,

<sup>13</sup> Ibid.,

<sup>14</sup> Ibid.,



Because the CCP wants to create the impression that there is freedom of religion or belief in Hong Kong, especially to foreigners, as they do in Beijing and Shanghai, where foreigners can go to places of worship easily.

That said, the appointment of the former Chinese Communist Party Secretary in Zhejiang Province, Xia Baolong, as Director of the Hong Kong and Macau Affairs Office in Beijing in 2020 sent shivers down the spines of many Christians, knowing that in Zhejiang he is widely believed to have overseen a campaign of the demolition of thousands of crosses across that province between 2013 and 2015.<sup>15</sup>

Nevertheless, instead of a physical crackdown on religion in Hong Kong, the authorities' aim is to create an environment in which religious leaders and practitioners feel obligated to self-censor, compromise and kowtow, in order to protect the basic freedom of worship that they enjoy. The aim of the authorities is to create the conditions in which religious believers silence their consciences and, in some sense, sell out their souls.

We see this already, with some of the actions of the Hong Kong Catholic Diocese which will be examined further in this report, the selection of the Reverend Peter Koon, Secretary-General of the Hong Kong province of the Anglican Communion (known as *Sheng Kung Hui*) as a member of the pro-Beijing Legislative Council, and the decision by the city's Anglican Cathedral of St John's to display the flag of the People's Republic of China in the sanctuary beside the altar on China's National Day on 1 October 2023 for the first time in its history.<sup>16</sup> Although this is normal practice in some countries, such as the United States, it is not so in many countries, was not the expected practice in Hong Kong until now and is widely regarded as yet another symbolic undermining of Hong Kong's promised autonomy. The fact that it was followed just over two weeks later by a flag-raising ceremony at the Kowloon Mosque and Islamic Centre on 17 October 2023, with the Secretary for Home and Youth Affairs Alice Mak Mei-kuen in attendance, suggests that it may become the expected norm.<sup>17</sup> We see it also with the arrest and trial of Hong Kong's 91 year-old Bishop Emeritus, Cardinal Zen, for his role as a trustee of a fund providing legal aid to pro-democracy protestors.<sup>18</sup>

The aim is to create a "chill" factor which results in compromises and ultimately the steady, subtle but clear erosion of freedom of religion or belief in Hong Kong.

<sup>15</sup> CSW, "Zhejiang cross demolitions: Timeline of events" - <https://www.csw.org.uk/zhejiangtimeline>

<sup>16</sup> Hong Kong Free Press, "Hong Kong's oldest church building displays China's flag for first time on National Day," 1 October 2023 - <https://hongkongfp.com/2023/10/01/hong-kongs-oldest-church-building-displays-chinas-flag-for-first-time-on-national-day/>

<sup>17</sup> The Standard, "Home affairs chief praises Islamic integration after flag raising ceremony at Kowloon Mosque," 17 October 2023 - <https://www.thestandard.com.hk/breaking-news/section/4/209355/Home-affairs-chief-praises-Islamic-integration-after-flag-raising-ceremony-at-Kowloon-Mosque>, also reported by Radio Free Asia, 18 October 2023 - <https://www.rfa.org/cantonese/features/hottopic/feature-hk-muslim-10182023000647.html>

<sup>18</sup> The Guardian, "Arrest of Cardinal Zen sends chill through Hong Kong's Catholic community," 16 May 2022 - <https://www.theguardian.com/world/2022/may/16/arrest-of-cardinal-zen-sends-chill-through-hong-kongs-catholic-community>



### Hong Kong's current and future legislative framework and how it impacts freedom of religion or belief

The law which has had the most significant impact already on the exercise of freedom of religion or belief in its fullest form, as it has on the exercise of most other basic rights in Hong Kong, is the National Security Law for Hong Kong passed by the Standing Committee of the National People's Congress in Beijing on 30 June 2020 and taking effect the same day.

Under the National Security Law, the crimes of secession, subversion, terrorism and "collusion with a foreign country or with external elements to endanger national security" are set out. Power to interpret the law lies with the Standing Committee of the National People's Congress, not with local courts, and where there are inconsistencies between the National Security Law and other Hong Kong laws, the National Security Law prevails. The National Security Law contains an "extraterritoriality" clause, meaning that one does not need to be in Hong Kong or to be a Hong Kong resident to be in violation of the law – actions by anyone, anywhere in the world could be deemed to violate Hong Kong's National Security Law.

The main challenge with the National Security Law is that the crimes it covers – secession, subversion, terrorism and "collusion with a foreign country or with external elements to endanger national security" – are poorly, broadly and vaguely defined, meaning that the "red lines" are unclear. This has resulted in censorship or self-censorship, the almost complete shut-down of freedom of expression and press freedom, and the severe curtailment of freedom of assembly and association.

The primary impact of the National Security Law on religious organisations has been self-censorship – which will be examined in the next section. However, there have been arrests of religious leaders, notably the Catholic Bishop Emeritus of Hong Kong, Cardinal Joseph Zen, in May 2022, arrested on suspicion of "collusion with foreign forces". He was later convicted of failing to register a humanitarian aid body, popularly known as the "612 Humanitarian Relief Fund", as a society under police supervision, and received a fine.

In addition to the National Security Law, the Sedition Law also has a chilling effect.

In October 2022, Pastor Garry Pang was convicted of sedition for allegedly disturbing a National Security Law court hearing in January that year and committing "acts with seditious intention" for operating a YouTube channel commenting on protest-related cases, and was sentenced to a total of 12 months in jail.<sup>19</sup>

On 18 January 2023 another Christian pastor, Pastor Alan Keung Ka-wai of the Christianity Mission in Hong Kong, was one of six individuals arrested on charges of the production and sale of a book about the 2019-2020 protests, which allegedly has seditious content. Pastor Keung had previously been involved in delivering first aid to injured protesters and police officers during the 2019 protests and is a founder of a news outlet known as Free

<sup>19</sup> Hong Kong Free Press, "Two Hong Kong court spectators jailed for sedition over critical comments about magistrate in protest case," 27 October 2022 - <https://hongkongfp.com/2022/10/27/two-hong-kong-court-spectators-jailed-for-sedition-over-critical-comments-about-magistrate-in-protest-case/>

HK Media.<sup>20</sup> And just five months after the implementation of the National Security Law, the pro-Beijing *Ta Kung Pao* newspaper posted a list of 20 pastors whom it accused of being "riot supporters".<sup>21</sup>

On 8 December 2020, Hong Kong police raided the Kwun Tong and Fanling branches of the Good Neighbour North District Church, and HSBC froze the bank accounts of the church, its pastor, Roy Chan, and his wife.<sup>22</sup> Pastor Chan and the Good Neighbour North District Church had played a very active role in the 2019-2020 protests, providing first-aid and pastoral care for demonstrators.<sup>23</sup> Pastor Chan and his family are now in exile in the United Kingdom, and he has said it would not be safe for him to return to Hong Kong. In December 2020, he told *The Telegraph*: "Churches are tense. We think about what we are saying, about whether we are touching the red lines." Some pastors had become despondent, he added. "They told me there is no future in Hong Kong, that this is the end game. They say it sadly. They want to escape...If I encourage them to not give up and say what they want from the Bible, that could lead them into danger."<sup>24</sup>

Several other religious leaders have left Hong Kong, including the Reverend Leung Wing-sun, pastor of Ming Yan Church of Christ (Remembrance of Grace Church), who issued a pastoral letter on social media explaining that he had left Hong Kong to join his son in the United Kingdom in January 2021, as a result of harassment he had been subjected to due to his political stance which led to concern for his personal safety.<sup>25</sup>

It is important to note that all the above-mentioned cases relate to what might be regarded as "political" activities, of protest or support of protesters, rather than narrowly-defined "religious" activity. But freedom of thought, conscience and religion as understood by Article 18 of the Universal Declaration of Human Rights is broader than simply freedom of worship. In all the above-mentioned cases, the individuals concerned were inspired and motivated by their religious faith and conscience to support pro-democracy initiatives and defend human rights. Their ability to do this in Hong Kong is now severely curtailed.

According to the US State Department Office of International Religious Freedom's 2022 annual report on Hong Kong, the Falun Dafa Association has said that the National Security Law is used to harass Falun Gong practitioners, particularly in the period prior to the visit of Xi Jinping to Hong Kong in July 2022. While Falun Gong is not outlawed in Hong Kong as it is in mainland China, Falun Gong practitioners have been subjected to

<sup>20</sup> UCA News, "Christian pastor among six arrested for 'seditious book' in HK," 20 January 2023 - <https://www.ucanews.com/news/christian-pastor-among-six-arrested-for-seditious-book-in-hk/100107>

<sup>21</sup> The Washington Post, "Hong Kong churches no longer off limits as Beijing tightens grip on dissent," 13 May 2022, referencing *Ta Kung Pao* article - <http://www.takungpao.com/hk/news/232109/2020/0707/471583.html>

<sup>22</sup> The Guardian, "Hong Kong police raid church hours after pastor said HSBC froze bank accounts," 8 December 2020 - <https://www.theguardian.com/world/2020/dec/08/hong-kong-church-pastor-says-hsbc-froze-personal-and-charity-bank-accounts>

<sup>23</sup> BBC, "Protecting Hong Kong's young protesters: 'Beat us, don't beat the kids,'" 11 October 2019 - <https://www.bbc.co.uk/news/av/world-asia-china-50000995>

<sup>24</sup> The Telegraph, "Hong Kong churches face Christmas under Beijing's shadow," 29 December 2020 - <https://www.telegraph.co.uk/news/2020/12/29/hong-kong-churches-face-christmas-beijings-shadow/>

<sup>25</sup> The Christian Times, article by Chan Yick-yin, 2 February 2021 - [https://christiantimes.org.hk/Common/Reader/News/ShowNews.jsp?Nid=164622&Pid=102&Version=0&Cid=2141&Charset=big5\\_hkscs](https://christiantimes.org.hk/Common/Reader/News/ShowNews.jsp?Nid=164622&Pid=102&Version=0&Cid=2141&Charset=big5_hkscs)

periodic attacks. In August 2022 a Legislative Council member and other pro-Beijing politicians demonstrated outside a court in support of a man on trial for assaulting Falun Gong practitioners.<sup>26</sup>

For some religious organisations, especially the Catholic Church and some Protestant denominations with international connections, the criminalisation of "collusion" with foreign countries or entities poses some risks. No organisation is as international as the Catholic Church, and the Anglican Communion, Methodist Church and Baptist churches are among those associated with global religious networks. One of the reasons for their self-censorship is a concern that they could be vulnerable to the charge of "collusion" with foreign forces.

The US State Department reports that "some Catholic missions took steps ranging from placing their property holdings under local ownership to localising their boards and corporate registrations in order to protect their property from the SAR authorities' potentially targeting churches using the NSL's provision against foreign collusion and their power to seize assets."<sup>27</sup>

Similarly, in late 2021, the Christian and Missionary Alliance, one of the three largest Christian organisations in Hong Kong, adopted a motion at its annual general meeting to split its churches from one umbrella legal entity into separate entities, according to *The Washington Post*, in order to prevent the entire organisation collapsing if the government moved to freeze its assets.<sup>28</sup>

When the National Security Law was introduced, some religious leaders expressed the view that it would not impact freedom of religion or belief. The former Catholic Bishop and Apostolic Administrator of the Diocese of Hong Kong, Cardinal John Tong, cited the protections in the Basic Law which guarantee freedom of religion or belief, as well as the dialogue between the Vatican and China, as reasons why freedom of religion or belief would not be threatened.<sup>29</sup> However, it should be noted that China has already violated its promises under the Sino-Vatican agreement on the appointment of bishops in mainland China, first agreed in 2018 and renewed again in 2020 and 2022. What happens if the "dialogue" between the Vatican and China encounters more difficulties and the relationship sours? What if the next pontiff decides to change the Vatican's approach towards China? There are also questions to be raised regarding whether, in time, the Sino-Vatican Agreement could be extended to Hong Kong, drawing the Catholic Diocese of Hong Kong deeper into the auspices of the mainland Catholic Patriotic Association.

The Anglican Archbishop of Hong Kong at the time, the Most Reverend Paul Kwong, who was also a delegate to China's foremost advisory body, the Chinese People's Political

<sup>26</sup> US State Department, International Religious Freedom Report, 2022 -

<https://www.state.gov/reports/2022-report-on-international-religious-freedom/china/hong-kong/>

<sup>27</sup> Ibid.,

<sup>28</sup> The Washington Post, "Hong Kong churches no longer off limits as Beijing tightens grip on dissent," 13 May 2022

<sup>29</sup> Cruz, "Hong Kong cardinal says new security law will not limit religious freedom," 26 June 2020 - <https://cruxnow.com/church-in-asia/2020/06/hong-kong-cardinal-says-new-security-law-will-not-limit-religious-freedom>

Consultative Conference, welcomed the new law and said it "does not undermine any freedom in Hong Kong, in particular the freedom of religion."<sup>30</sup>

However, other religious leaders expressed serious concerns at the time, including Cardinal Zen and the Hong Kong Falun Dafa Association, and on 31 May 2020 a group of Christian pastors and churchgoers issued a statement expressing their opposition to the law.<sup>31</sup> The United States Commission on International Religious Freedom (USCIRF) also expressed concern about the effect that the law would have on freedom of religion or belief. In a statement USCIRF Commissioner Gary Bauer said: "This new national security legislation would potentially expand the Chinese Communist Party's war on faith in the mainland to hundreds of thousands of believers in Hong Kong."<sup>32</sup>

#### Article 23

A further concern is the likely enactment of another security law in Hong Kong, aimed at implementing Article 23 of the Basic Law. Article 23 states:

*"The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies."*

Since the handover of Hong Kong to China in 1997, there has been a regular fear that this would be implemented, even though, until now, it has not yet been legislated. In 2003 the HKSAR government at the time attempted to implement Article 23, and a widespread mass protest movement rose up in opposition to it. Over 500,000 people protested, and Cardinal Zen, who was Bishop of Hong Kong at the time, played a leading role in the opposition. Eventually, the bill was dropped and no further attempt to enact Article 23 was made until now. When the National Security Law was imposed on Hong Kong by Beijing, it was assumed by many that this was because the Hong Kong SAR government had failed to implement Article 23, and that it achieved the same purpose as Article 23. However, it appears now that Hong Kong's Chief Executive John Lee intends to implement Article 23, tightening Hong Kong's security laws even further.<sup>33</sup> The implications of this could be very serious for religious organisations in Hong Kong who have relationships and ties with foreign religious organisations or, in particular, foreign political organisations.

<sup>30</sup> Church Times, "Hong Kong Archbishop welcomes new security law," 9 July 2020 - <https://www.churchtimes.co.uk/articles/2020/10-july/news/world/hong-kong-archbishop-welcomes-new-security-law>

<sup>31</sup> Statement by Hong Kong Christians in Response to the National Security Law, 31 May 2020, as quoted by CSW, "The new national security law and its potential impact on freedom of religion or belief," August 2020 - <https://www.csw.org.uk/2020/09/03/report/4783/article.htm#:~:text=>

<sup>32</sup> United States Commission on International Religious Freedom, "USCIRF Expresses Concern about National Security Legislation's Threat to Religious Freedom in Hong Kong," 26 June 2020 - <https://www.uscifr.gov/release-statements/uscifr-expresses-concern-about-national-security-legislations-threat-religious>

<sup>33</sup> Hong Kong Free Press, "Hong Kong security law Article 23 will 'definitely' be enacted this year or next, leader John Lee says," 23 June 2023 - <https://hongkongfp.com/2023/06/23/hong-kong-security-law-article-23-will-definitely-be-enacted-this-year-or-next-leader-john-lee-says/>

### Charitable status

Religious groups are not currently legally required to register with the government. However, as the US State Department International Religious Freedom annual report in 2022 notes, religious groups are required to register to receive tax-exempt status, rent subsidies, government or other professional development training, use of government facilities, or a grant to provide social services. To qualify for such benefits, a group must prove that it is established solely for religious, charitable, social or recreational reasons, provide the name and purpose of the organisation, identify its office holders and confirm the address of the principal place of activities. "If a religious group registers with the government, it enters the registry of all NGOs, but the government makes no adjudication on the validity of any registered groups," the US State Department report adds. "Religious groups may register as a society, a tax-exempt organisation, or both ... Government tax regulations provide that any group, including religious groups, involved in activities deemed to endanger national security would not be recognised as a charitable organisation." The Falun Dafa Association, for example, is registered as a society rather than a religious group.<sup>34</sup>

In 2021, Hong Kong's Inland Revenue Department published a revised "Tax Guide for Charitable Institutions and Trusts of a Public Character" which includes the requirements to comply with the National Security Law. It states that "A charity's resources must be directed towards charitable works and should not engage in or support any acts or activities which are unlawful or contrary to the interests of national security" and adds that "a charity which takes part in acts or activities which are unlawful or contrary to the interests of national security, or uses its resources to support or promote such acts or activities, will not be regarded as a genuine charity."<sup>35</sup> Groups that are perceived to endanger national security would lose their charitable status and tax exemption.<sup>36</sup> There are concerns that churches and religious charities are under greater scrutiny by the Inland Revenue Department and could be impacted by these strict new guidelines.

### Crowdfunding legislation

Similarly, the Hong Kong government's intended new legislation to regulate crowdfunding activities could have implications for religious groups. The government intends to establish a new Crowdfunding Affairs Office (CAO), and to require "all fundraising activities, online or offline, that raise funds publicly from individuals or entities of Hong Kong, or individuals or entities located in Hong Kong" to apply "in advance to the newly proposed CAO, regardless of their purpose or location". The government's consultation paper contains no exemption for religious activities.<sup>37</sup>

<sup>34</sup> US State Department, International Religious Freedom Report, 2022

<sup>35</sup> Hong Kong Inland Revenue Department, "Tax Guide for Charitable Institutions and Trusts of a Public Character," June 2023 - [https://www.ird.gov.hk/eng/pdf/tax\\_guide\\_for\\_charities.pdf](https://www.ird.gov.hk/eng/pdf/tax_guide_for_charities.pdf)

<sup>36</sup> South China Morning Post, "Groups that endanger national security to lose charities status, tax exemptions, Hong Kong's financial services chief warns," 13 September 2021 - <https://www.scmp.com/news/hong-kong/politics/article/3148543/groups-endanger-national-security-lose-charities-status-tax>

<sup>37</sup> The Government of the Hong Kong Special Administrative Region, Consultation on enhancing regulation of crowdfunding activities launched, 19 December 2022 - <https://www.info.gov.hk/gia/general/202212/19/P2022121900514.htm>

### Blueprint of Religion in the Greater Bay Area

In 2020, soon after the National Security Law was introduced, mainland authorities published a "blueprint of Religion in the Greater Bay Area", which specifically criticised the involvement of the Catholic Church's Auxiliary Bishop of Hong Kong, Bishop Joseph Ha, as well as Cardinal Zen and Reverend Chu Yiu-ming, in the 2019 protests.<sup>38</sup> The blueprint noted that "some religious groups and the schools they sponsored were involved to varying extent, where their staff spoke and behaved in ways that went against religious teachings and the law, distorted the students' thoughts and damaged the reputation of religious institutions". It claims prayer gatherings were used to support protests and religious organisations provided supplies to protesters.

### Pro-Beijing media attacks on religion

On 27 January 2022, the pro-Beijing newspaper *Ta Kung Pao* ran an unprecedented double-page spread, containing four articles attacking religion in Hong Kong. *Ta Kung Pao* is owned by the Liaison Office of the Central People's Government and is regarded as the mouthpiece of the Chinese Communist Party regime. The four articles included an editorial targeting Cardinal Zen and the fact that many of the protesters in 2019 "come from Christian schools", a news article reporting support for reform of the "Chinese Temple Ordinance" by the provincial secretary-general of the Anglican Church in Hong Kong, Reverend Peter Koon, and an article by barrister Lawrence Ma calling for legislation to monitor and restrict the activities of religious groups.

In the editorial attacking Cardinal Zen, *Ta Kung Pao* claimed that he "has used his status as a Catholic clergyman to disrupt Hong Kong with 'Hong Kong independence' advocates like Jimmy Lai and Martin Lee". It is important to note that neither Jimmy Lai and Martin Lee, who are both Catholics, have advocated for independence and indeed both have very strongly opposed those who advocate for independence. They have simply advocated for democracy, human rights, the rule of law and autonomy, as promised in the Sino-British Joint Declaration and the Basic Law. The editorial went on to argue that "from his opposition to Article 23 in 2003 to his opposition to the revision of the Education Ordinance, from his support for the 'Occupy Central' movement to the 2019 'anti-extradition' demonstration, one can see that Zen has been cooperating with Lai and Lee to disrupt Hong Kong." It also claims that the students from Christian schools who participated in the 2019 protests "have been incited by their teachers and clergyman to participate in the riot". The same editorial also accuses Falun Gong of participating in the demonstrations and organising "to smear the HKSAR government, to beautify violence, to encourage 'Hong Kong independence' and to incite young people to engage in violent activities."<sup>39</sup>

In the second article, the provincial secretary-general of the Anglican Church in Hong Kong, Reverend Peter Koon, who is now a pro-Beijing member of the Legislative Council, condemned the involvement of clergy in the "Occupy Central" movement and the 2019

<sup>38</sup> Bastille Post, 12 August 2021 - <https://www.bastillepost.com/hongkong/article/8994582-%E9%A6%96%E9%83%A8%E3%80%8A%E7%B2%B5%E6%B8%AF%E6%BE%B3%E5%A4%A7%E7%81%A3%E5%8D%80%E5%AE%97%E6%95%99%E8%97%8D%E7%9A%AF%E6%9B%B8%E3%80%8B%E6%AD%A3%E5%BC%8F%E5%87%BA%E7%89%88>

<sup>39</sup> *Ta Kung Pao*, "Cardinal Zen uses his status as a clergyman to disrupt HK," 27 January 2022 - <http://www.takungpao.com/news/232109/2022/0127/681155.html>



protests, and called for greater government oversight of religious affairs. He recommended that the Home Affairs Department should appoint an official to coordinate religious affairs, or alternatively the government should create a department for religious affairs, arguing that having such government oversight of religion would be "a very good thing". He also referred to the Chinese Temple Ordinance, which originated during the British colonial period, as an unjust law and argued that it should either be amended or relaxed, or it should be extended to apply to all religions.<sup>40</sup>

In another article, barrister Lawrence Ma, the executive director of the Hong Kong Legal Exchange Foundation, also called on the government to abrogate the Chinese Temple Ordinance and establish new regulations to apply to all religions. He went further, criticising "Western" religions as "intrinsically incompatible with traditional Chinese culture", claiming that they "do not allow for ancestral worship because they teach that ancestors are idols or evil spirits; these religions encourage us to forget our ancestors". Ma also accused Christian clergy of inciting their congregations to act against the government. "Religious freedom was abused during the 2019 riot," Ma wrote. "Many clergymen incited the congregation to engage in anti-government protests; they corrupted the youth and aggravated the riots. This is exactly the fruit of the abuse of religious freedom. These clergymen glorified the behaviour of the rioters and beautify unlawful behaviour as a way to achieve justice. They unceasingly promoted the distinction between violating civil law and sinning."<sup>41</sup>

With regard to the Chinese Temple Ordinance, there may be a case for reform or repeal of this particular law, and certainly any laws that relate to religious practice should apply to all religions and should not discriminate. As one religious scholar has written: "In the 1920s, the British colonial government imposed a restrictive law on indigenous Chinese religions ... The most frightening clause of this Ordinance is this: the government can – without any search warrant – enter and search any temples, even seizing any documents or books as long as it has suspicion of any violation of this Ordinance." This scholar states that "it is true that this law is biased against the Chinese religions. However, this colonial law only exists on paper and it has rarely been used to prosecute anyone. The CCP newspaper rightly claimed that this unfair treatment should be eliminated. However, this is the insidious part: [they say that] such differential treatment should be addressed not by the elimination of this Ordinance altogether but by making sure that Christian churches must be included in this Ordinance as well."<sup>42</sup>

It is clear therefore that the agenda being advanced in these articles is not about ensuring equal rights, but much more an early warning sign of an intention to introduce restrictions on religion. Ma called on the government to promulgate a new law requiring churches to report every single donation to the government. "Do the donations go to the administration of schools or to the promotion of criminal activities," Ma asked. "This type of regulation is necessary for the common good." He also advocated a new law to allow law enforcement to crackdown on religious groups that promote, in his words, "the subversion of the state"

<sup>40</sup> Ta Kung Pao, "Keep up with the times: Peter Koon supports reform of the unjust 'Chinese Temple Ordinance'", 27 January 2022 - <http://www.takungpao.com.hk/news/232109/2022/0127/681157.html>

<sup>41</sup> Ta Kung Pao, "Barrister calls for legislation to strike down extremist religious groups," 28 January 2022 - <http://www.takungpao.com.hk/news/232109/2022/0128/681548.html>

<sup>42</sup> CSW, China: Freedom of religion or belief: the untold stories," July 2022 - <https://www.csw.org.uk/untoldstories?gad=1&gclid=>

and argued that "in regard to cults like Falun Gong and other extremist religious groups, they should be eradicated before they fully mature." He also proposed the establishment of a new bureau in order to conduct vetting, licensing and monitoring of religious groups. "The government should employ staff who are fully dedicated to implementing and executing this whole system," he added.

The idea of a department, committee or unit for religious affairs had previously been proposed by Carrie Lam in her campaign to become Chief Executive of Hong Kong in 2017, but she withdrew the idea upon opposition from the Catholic Cardinal John Tong and other Christian leaders. Given the proposals outlined in *Ta Kung Pao*, it is quite possible that such a body may be established in the future, possibly also accompanied by a requirement for clergy and religious organisations to register and take the oath of fidelity to the government. When it is planning to introduce new legislation, regulations or policies, the Chinese government often trails the idea in the state media in advance. The articles in *Ta Kung Pao* serve as an important early warning of potential restrictions on freedom of religion or belief to come in Hong Kong.



### Self-censorship in sermons and religious organisations

As a consequence of the implementation of the draconian National Security Law in Hong Kong, many religious groups and places of worship have chosen the path of self-censorship. This has taken various forms.

According to 18 pastors and religious experts interviewed by *The Washington Post*, "churches have been pushed into censoring themselves and avoiding appointing pastors deemed to have political views, and at least one major church is restructuring itself in case the government freezes its assets."<sup>43</sup>

The Hong Kong Church Renewal Movement revealed in 2021 that over a third of churches were now more inclined to adjust the content of their preaching in light of the political situation in the city.

In August 2020, almost two months after the National Security Law took effect, the Justice and Peace Commission of the Hong Kong Catholic Diocese abandoned plans for a crowdfunding campaign to raise funds to buy advertising space in local newspapers promoting a prayer for the city's democratic values in light of the National Security Law. It is believed that the plan was dropped under pressure from the Catholic Diocese.<sup>44</sup>

Soon afterwards, on 28 August 2020, the Apostolic Administrator of the Catholic Diocese of Hong Kong at the time, Cardinal John Tong, issued a pastoral letter to all clergy, titled "Fraternal Admonition", advising them to be cautious in their sermons. He literally told them to "watch your language" and avoid "slandorous and offensive statements which insinuate or incite hatred, cause social unrest" which "are never appropriate in the liturgy". The homily, the Cardinal added, "is not meant to convey the preacher's personal views (such as his own view on a social or political issue) but God's message".<sup>45</sup>

Of course on one level the points the Cardinal makes about the purpose of a homily are correct. But on another level, the implication is that priests should avoid topics that could be provocative to the government but which are traditionally within the mandate of priests to speak about, such as human rights, human dignity, justice and freedom.

Until 2022, the Catholic Church in Hong Kong held a memorial Mass every year on 4 June, to commemorate the Tiananmen Square massacre in 1989, organised by its Justice and Peace Commission. After the larger, secular candlelit vigil traditionally held in Hong Kong's Victoria Park was banned in 2020 and 2021, the memorial Mass became the last remaining organised commemoration in Hong Kong of the Tiananmen Square massacre. In 2021, seven Catholic parishes held a memorial Mass to commemorate the Tiananmen

<sup>43</sup> Washington Post, "Hong Kong churches no longer off limits as Beijing tightens grip on dissent," 13 May 2022 - <https://www.washingtonpost.com/world/2022/05/13/hong-kong-church-crackdown-catholic-dissent/>

<sup>44</sup> South China Morning Post, "After pushback from diocese, Catholic group drops plan to run post-national security law prayer for Hong Kong in local newspaper," 29 August 2020 - <https://www.scmp.com/news/hong-kong/society/article/3099412/after-pushback-diocese-catholic-group-drops-plan-run-post>

<sup>45</sup> Catholic News Agency, "Hong Kong cardinal warns priests to 'watch your language' in homilies," 1 September 2020 - <https://www.catholicnewsagency.com/news/45680/hong-kong-cardinal-warns-priests-to-watch-your-language-in-homilies>

Square massacre on 4 June, but found themselves surrounded by a heavy police presence and pro-Beijing protesters carrying posters with Cardinal Zen's image demonised, in a clear and chilling effort to intimidate the churches and their participants.<sup>46</sup> In May 2022, however, the Hong Kong Catholic Diocese announced that it would no longer hold the memorial Mass.<sup>47</sup>

In October 2022, the Justice and Peace Commission itself was renamed as the Diocesan Commission on Integral Human Development, reflecting the Vatican's own merger of the pontifical councils on Justice and Peace, Pastoral Care of Migrants and Itinerant People, Health Care Workers and the Pontifical Council Cor Unum, along with Caritas International, into a Dicastery for Promoting Integral Human Development.<sup>48</sup> However, such renaming only commenced in 2023, while the Vatican's merger occurred in 2017. This time lapse appears to indicate a deliberate decision to self-censor, rather than seeking consistency with the Vatican. Indeed, this broader scope dilutes the commission's focus on human rights, democracy and freedom of religion or belief in Hong Kong and mainland China, and potentially undermines its ability to defend freedom of religion or belief.

In his first press conference following the announcement of his appointment by the Vatican, Hong Kong's new Bishop, who later became Cardinal, Stephen Chow told journalists on 18 May 2021 that he did not think it would be wise for him to comment on especially controversial issues. "That would be rash," he said. He denied he was afraid, but "prudence is also a virtue". However, he was willing to say that "for me, religious freedom is a basic right." He also added, in regard to the June 4 anniversary of the 1989 Tiananmen Square massacre, that: "I pray for China. I pray for all those who have passed in 1989."<sup>49</sup>

While Cardinal Chow has generally exercised caution and emphasised the importance of dialogue with Beijing, there have been a few occasions where he has tried to comment within the limitations of the situation. Soon after he became Bishop, he confirmed, once again, that he would pray for the victims and families of the Tiananmen Square massacre, saying: "I pray, I pray for China, I pray for all those who have passed in 1989, from all walks of life. Whether this year it is possible (to do it in public) it depends on legal requirements."<sup>50</sup>

In June 2022, he wrote in *The Sunday Examiner*, Hong Kong's Catholic newspaper, that:

"I can feel that Hong Kong, including our Church, are becoming more like an existence within cracks. We used to enjoy much space and freedom of expression

<sup>46</sup> The Christian Post, "CCP threatens 7 Hong Kong Catholic churches over Tiananmen Square remembrance mass," 6 June 2021 - <https://www.christianpost.com/news/ccp-warns-7-hong-kong-churches-over-tiananmen-square-mass.html>

<sup>47</sup> Washington Post, "Hong Kong Catholic church cancels Tiananmen memorial Mass," 24 May, 2022 - <https://www.washingtonpost.com/world/2022/05/24/hong-kong-catholic-church-tiananmen/>

<sup>48</sup> The Sunday Examiner, "New name for Justice and Peace reflects changing times," 14 October 2022 - <https://www.examiner.org.hk/2022/10/14/new-name-for-justice-and-peace-commission-reflects-changing-times/news/hongkong/>

<sup>49</sup> Catholic News Agency, "Hong Kong bishop-elect: I am not afraid, but I believe prudence is a virtue," 18 May 2021 - <https://www.catholicnewsagency.com/news/247694/hong-kong-bishop-elect-i-am-not-afraid-but-i-believe-prudence-is-a-virtue>

<sup>50</sup> Reuters, "New HK Bishop says will pray for Tiananmen victims, follow the law," 18 May 2021 - <https://www.reuters.com/world/asia-pacific/new-hk-bishop-says-will-pray-tiananmen-victims-follow-law-2021-05-18/>

when we could express our opinions in any way we like. Of course, as Christians, we should guard our tongues against immorality and self-righteousness. But that spaciousness for our freedom and expression, which we had taken for granted, seems diminishing. With that narrowing of space, we start to feel like living in cracks, which makes us nervous, anxious, disappointed, upset, frustrated, and angry. Some have chosen to settle in other countries. Some are observing, while some have little choice but to stay. As for me, I made my choice when I accepted my episcopal appointment, like many in Hong Kong who have chosen to stay."<sup>51</sup>

In his Pastoral Letter at Easter 2023, titled "Dare to Have Hope", he devoted a paragraph to highlighting those who were arrested in 2019:

"From news reports published in last December, there were around 6,000 arrests due to the violent outbreaks in 2019. They are waiting to see whether the police will charge them or not. When will they see light?," he wrote. "Charge or no charge, they will be signs showing them how to move on. Waiting endlessly will not help them or our society to move toward healing. Some may want to seek justice through retributive means. However, it is through compassion and leniency on lighter offences that can give hope and positive energy to our wounded community. We have seen how hatred and violence have brought the stench of death to our beloved Hong Kong. Now, we should lean on compassion and magnanimity to reinforce the fragrance of life in our recovering Hong Kong."<sup>52</sup>

Similarly, in another article in *The Sunday Examiner* on 30 June 2023, Cardinal Chow wrote:

"What is important in any society is that people should be able to feel that there is freedom of speech, even though what they say may not be objective or accurate. And that proper platforms are available for them to express their ideas and feelings, freely and safely. Eliminating such platforms can lead to deepen resentment, destructive cynicisms, and a sense of hopelessness. Then leaving will become a more attractive and viable option."

He concluded:

"I would like to suggest that it is advisable for our government to provide some safe platforms for people of different persuasions to express their pains, hurts, frustrations, disappointments, bitterness, even anger, without being afraid to step outside of the not-so-clear red lines. That they can experience their voices heard by relevant officials, which may or may not mean that they are acceptable. Those who are hurt, hurt. So, please heal the wounds before we look into the problems."<sup>53</sup>

Significantly, the Vatican's unofficial representative in Hong Kong, Monsignor Javier Herrera-Corona, delivered a stark warning to Catholics in the city in at least four meetings from October 2021 until March 2022, before completing his six-year posting: prepare for

<sup>51</sup> The Sunday Examiner, "Reflections from the bishop: flourishing through the cracks," 2 June 2022 - <https://www.examiner.org.hk/2022/06/02/reflections-from-the-bishop-flourishing-through-cracks/features/>

<sup>52</sup> Catholic Diocese of Hong Kong, "Dare to Have Hope – Easter Message 2023," Pastoral Letter - <https://catholic.org.hk/en/Easter-Message-2023/>

<sup>53</sup> The Sunday Examiner, "Reflections from the bishop: Those who are hurt, hurt," 30 June 2023 - <https://www.examiner.org.hk/2023/06/30/reflections-from-the-bishop-those-who-are-hurt-hurt/news/hongkong/>

a crackdown on religious freedom in Hong Kong. He urged Catholic clergy and missionaries to take steps to protect their missions' property, files and funds, move archives out of Hong Kong to Rome and, according to Reuters, warned that closer integration with China in coming years could lead to mainland-style restrictions on religious groups.<sup>54</sup>

The situation is similar for Protestants. According to one Christian church leader in Hong Kong, who must remain anonymous, the government holds a blacklist of churches which supported or were perceived to support the protests in 2019, including Methodist, Presbyterian and Baptist churches. Since the imposition of the National Security Law, churches in Hong Kong have been divided, with some taking the side of the government and Beijing and others, which previously supported democracy and human rights, being effectively silenced.

According to *The Washington Post*, the Evangelical Lutheran Church issued an internal memo in 2021, regarding a policy to only qualify pastors who will not be outspoken against the government. The memo reportedly stipulated that because pastors may eventually become bishops, who have a significant influence on the church's "political stance" and "relationship with the government" and with the church's members, examiners would need to take this into consideration when selecting potential pastors.<sup>55</sup>

"The threats are pretty severe these days, and many churches are worried about retaliation," one Christian leader said. "They stop and drop any topics that touch on or might violate the National Security Law. The topics for preaching become dull and pointless, as the National Security Law is bottomless and vague, which causes severe self-censorship."

Another Protestant church leader who has left Hong Kong said that many churches no longer share sermons on their websites. "My church has removed all of my sermons from the past 30 years from our website," he said. "This is to prevent any additional pressure and is a reflection of the additional self-censorship and the need to edit information that could be sensitive." One example of self-censorship he cited was on 1 July, 2021 when a police officer was stabbed in Causeway Bay. The following Sunday, three days after the stabbing, in one particular church a young preacher was going to speak about the story of Cain and Abel from the Bible. "Because of this stabbing, the church decided that he could not speak about this because it was too sensitive," the pastor said.

In addition to self-censoring sermons, several sources revealed that many churches which previously engaged extensively in evangelistic missions into mainland China or bringing unregistered house church Christians to Hong Kong for training workshops and conferences have now had to cease such activities, due to both the crackdown on freedom of religion in mainland China and the repression in Hong Kong as a result of the National Security Law.

<sup>54</sup> Reuters, "Insight: Vatican envoy in Hong Kong warns Catholic missions to prepare for China crackdown," 5 July 2022 - <https://www.reuters.com/world/asia-pacific/vatican-envoy-hong-kong-warns-catholic-missions-prepare-china-crackdown-2022-07-05/>

<sup>55</sup> The Washington Post, "Hong Kong churches no longer off-limits as Beijing tightens grip on dissent," 13 May 2022

As one Christian pastor said:

"A lot of churches supported the church inside China, by bringing Bibles into China or supporting humanitarian assistance or the provision of medical, dental and eye test procedures. However, in the last few years, these have all stopped. Now, there are much more serious checks at the border and so we are told not to bring Bibles into China."

One mainland Chinese Christian and religious freedom advocate said:

"For decades, mainland Chinese Christians looked to Hong Kong as a safe haven, a training centre, a financial engine, an advance camp for Christianity in China. But now our hopes have been dashed." He went on to note that for Falun Gong practitioners, Hong Kong was also a safe haven. "But now, Falun Gong practitioners can no longer practice their faith and express themselves freely in Hong Kong. They have to plan to escape elsewhere."

The price, it would appear, for being allowed to continue merely to exist and to worship in some limited way is increasing self-censorship of what topics are spoken about and growing curtailment of what activities can be undertaken.

### The education sector: The impacts on faith-based schools

In Hong Kong, only a small percentage of government-funded schools are actually government-run. The majority of government-funded schools are operated by religious groups, while some are run by non-religious charitable organisations. The Catholic Diocese of Hong Kong, for example, operates over 200 schools across the city, across the secondary, primary and kindergarten sectors, while the Anglican Diocese run 130 schools. Dozens of schools are run by other denominations, such as the Lutheran Church and the Hong Kong Council of the Church of Christ in China, a uniting church bringing together Presbyterian and Congregational traditions. Some experts estimate that as many as 60% of Hong Kong's schools are church-run.

Under the Basic Law, government-subsidised schools must adhere to the government curriculum and must not discriminate on grounds of religion, but they may offer non-mandatory religious instruction as part of their curriculum.<sup>56</sup> Article 137 of the Basic Law states that "schools run by religious organisations may continue to provide religious education, including courses in religion" and Article 141 states that the government of the Hong Kong SAR "shall not restrict the freedom of religious belief, interfere in the internal affairs of religious organisations or restrict religious activities which do not contravene the laws of the Region."<sup>57</sup>

The National Security Law and the resulting crackdown on freedom of expression and, ultimately, freedom of religion or belief, is already impacting Hong Kong's church-run schools, and is likely to further affect freedom of religion or belief in the education sector in the future.

The impact began almost immediately after the law was imposed on Hong Kong. In August 2020, the Hong Kong Catholic diocese issued a letter to the principals of all Catholic primary and secondary schools, urging them to enhance students' awareness of the new national security legislation and the national anthem law, and cultivate "correct values" on national identity.<sup>58</sup>

The letter, from the then Episcopal Delegate for Education in the diocese, Peter Lau, called for Catholic schools to put in place structures for evaluating "materials, assignments, examination papers and books" used by teachers, to prevent "unilateral promotion of political messages, positions or views."<sup>59</sup>

School authorities should, the letter continued, "enhance students' awareness to national security and [the importance of] abidance to the law, have them learn and respect the national flag, the national emblem and the national anthem and foster the correct values on their national identity, consistent with the Catholic teaching".

<sup>56</sup> US State Department, International Religious Freedom Report, 2022

<sup>57</sup> The Basic Law – available here: <https://www.basiclaw.gov.hk/en/index/>

<sup>58</sup> Catholic News Agency, "HK diocese promotes 'national identity', security law in Catholic schools," 11 August 2020 - <https://www.catholicnewsagency.com/news/45458/hk-diocese-promotes-national-identity-security-law-in-catholic-schools>

<sup>59</sup> Hong Kong Free Press, "Hong Kong Catholic diocese urges schools to promote national security education," 7 August 2020 - <https://hongkongfp.com/2020/08/07/hong-kong-catholic-diocese-urges-schools-to-promote-national-security-education/>

In addition, "policies and regulations within schools should prevent campuses from politicisation and should bar people from using premises for the unilateral promotion of political messages, positions or views."

Although these comments relate to political rather than religious expression, there is growing concern that faith-based schools will come under increasing pressure. One independent religious scholar has said that "the CCP knows very well that in order to control a state, the first step is to control the mind[s] of young children", but that "rather than closing Christian schools all at once and turning them into public schools, the CCP's plan is to corrupt Christian education from within by compromising those who work in the field" through the CCP Liaison Office in Hong Kong and "training sessions" for principals who are later reportedly approached to join the CCP.<sup>60</sup>

A Catholic priest, known as Reverend L, believes that the CCP's infiltration and ultimate control of church-based schools, through the recruitment of pro-Beijing school principals and teachers and the enforcement of National Security Law education, may ultimately impact churches themselves. According to the Catholic News Agency, "many religious schools associated with parishes, and parishes, could be held accountable for what the school does if they do not comply with the National Security law, and parishes could be shut down as a result."<sup>61</sup>

One Protestant pastor whom we interviewed for this report agrees, and claims that Anglican schools are "diluting their religious education". In his observation, "students who study in these schools now hardly notice that they are in a Christian school". At the open day of one Anglican school, he noted, the principal's speech did not make any reference to the school's Christian heritage, but placed a lot of emphasis on the national flag, National Security Law education and patriotic education. "It is an open secret that many spies from the CCP have joined the Christian churches and their top management."

The CCP, he adds, "use tactics like penetration and threats to trigger internal conflicts among the churches in Hong Kong, dirty tricks to insert discomfort and make people unsettled and scared." School boards, for example, are required to include representatives of parents and teachers, and there is concern that the CCP could use some of these representatives to influence and infiltrate the boards of schools run by religious groups, diluting the influence of the faith-based ethos of the schools.

Two Protestant pastors also highlight the increasing challenges Protestant churches which do not have their own facilities face, in relation to renting space from schools.

"A lot of churches are part of schools. So if you are affiliated with a school, you can organise gatherings. However, if you are not and you need to rent space, you will face a challenge," he said.

"Using my own church as an example, we had five church congregations that needed to rent space from schools. Now, the schools have said that they could no longer allow us to meet each Sunday. They have said that they now have conditions in place, which mean

<sup>60</sup> CSW, China: Freedom of religion or belief: the untold stories, July 2022 - <https://www.csw.org.uk/untoldstories>

<sup>61</sup> Catholic News Agency, "Religious repression in Hong Kong could soon worsen, Christian cleric warns," 10 February 2022 - <https://www.catholicnewsagency.com/news/250353/religious-repression-in-hong-kong-could-soon-worsen-christian-cleric-warns>



that they cannot let the same group use the space every Sunday. So for the past two years we have been able to use those spaces. The government says they support the schools' educational activities, but not church activities. A lot of churches in Hong Kong are facing this pressure."

A second pastor recounted a similar experience. "Churches which rent venues from schools for worship are finding that the Education Bureau now sends a rejection letter to those churches."

If the CCP can successfully penetrate and subvert the education sector, and sever the link between schools and churches at least in terms of values and beliefs if not in name and nominal management, it will achieve its objective of controlling and restricting religion in Hong Kong.



### Beijing's campaign of "Sinicization" of religion

In a speech at the Central United Front Conference held by the Chinese Communist Party's United Front Work Department (UFWD) in May 2015, Xi Jinping introduced the principle of "Sinicization of religion". This policy requires religions in mainland China to be independent of foreign influences and aligned to the Chinese Communist Party's goals and values and under the Party's control. "We must manage religious affairs in accordance with the law and adhere to the principle of independence to run religious groups on our own accord," Xi said. "Active efforts should be made to incorporate religions into socialist society," Xi said.<sup>62</sup> The Sinicization campaign has resulted in tighter restrictions and regulations on religion, the promotion of Chinese Communist Party propaganda within the state-controlled religious bodies, the display of pictures of Xi Jinping and Party propaganda banners in state-controlled places of worship and increased surveillance of such places of worship.

The campaign was developed further at a National Conference on Religious Work in April 2016, at which Xi outlined the Chinese Communist Party's policies regarding religious activities, emphasising that "religious affairs carry special importance" in the work of the Chinese Communist Party and the government and that the "relationship of national security and the unification of the motherland" has a place within "socialist religious theory with Chinese characteristics."<sup>63</sup> He added that "religious groups must adhere to the leadership of the Communist Party of China" and that the Party "should guide and educate the religious circle and their followers with the socialist core values".<sup>64</sup>

As Nina Shea, senior fellow and Director of the Centre for Religious Freedom at the Hudson Institute in Washington, DC said, "Sinicization is a strategy to absorb China's religious communities into the party's United Front, to help the CCP indoctrinate, surveil, and ensure ideological conformity. Since 2018, Sinicization regulations have restricted mainland churches in their preaching and practice of Christian teachings that are not authorised by the atheistic CCP. Moreover, they require them to actively support the party leadership and promote 'values of socialism' and Xi's thought in sermons and 'learning sessions'".<sup>65</sup>

A Catholic priest from Hong Kong, Father Vincent Woo, agrees. In an interview with the Catholic television channel EWTN in April 2022, he described Sinicization as a policy

<sup>62</sup> The Guardian, "President Xi Jinping warns against foreign influence on religions in China," 21 May 2015 - <https://www.theguardian.com/world/2015/may/21/president-xi-jinping-warns-against-foreign-influence-on-religions-in-china>

<sup>63</sup> The Sasakawa Peace Foundation, SPF China Observer, "Why Does the Xi Jinping Administration Advocate the 'Sinicization' of Religion," No.8 2018/08/11 - <https://www.spf.org/spf-china-observer/en/document-detail008.html#note4>

<sup>64</sup> Hong Kong Free Press, "Religious groups 'must adhere to the leadership of the Communist Party' - Pres. Xi Jinping," 24 April 2016 - <https://hongkongfp.com/2016/04/24/religious-groups-must-adhere-to-the-leadership-of-the-communist-party-pres-xi-jinping/>

<sup>65</sup> National Review, "China Now Threatens Religious Freedom in Hong Kong," 20 March 2022 - <https://www.nationalreview.com/2022/03/china-now-threatens-religious-freedom-in-hong-kong/>

whereby anything in Christian teaching that is not in conformity with the CCP's teaching must be "cast out".<sup>66</sup>

These themes have been repeated in many speeches in subsequent years, and there are signs now that Beijing wants to promote its Sinicization of religion in Hong Kong.

On 31 October 2021, an online meeting was held between three mainland Chinese bishops and 15 religious leaders from the state-controlled Catholic Patriotic Association and 15 senior clergy in the Hong Kong Catholic Diocese, specifically on Xi Jinping's vision of religion with "Chinese characteristics". While clergy from Hong Kong and mainland China had met on previous occasions, this was reportedly the first ever meeting to be formally organised by the Central Government Liaison Office, Beijing's representatives, in Hong Kong. It was reported that the Liaison Office and officials from the State Administration of Religious Affairs monitored the online day-long meeting.<sup>67</sup>

A year later, in November 2022, a second online meeting, titled "Second Mainland-Hong Kong Catholic Sinicized Theology Exchange," was held, involving over 50 specialists from mainland China and Hong Kong, jointly organised by the Chinese Catholic Patriotic Association (CPCA), the Chinese Catholic bishops' conference theological research committee and the Holy Spirit Study Centre of the Diocese of Hong Kong. In his opening speech, the president of China's Catholic bishops' conference and vice-president of the CPA, Bishop Joseph Shen Bin, praised the Chinese Communist Party for its "victoriously held" 20<sup>th</sup> National Congress, in which Xi Jinping secured an unprecedented third term, and emphasised that Xi had "once again put forward the requirement of adhering to the direction of Sinicization of religion in China and actively guiding religion to adapt to the socialist society".<sup>68</sup>

Similar initiatives have been held with Protestant churches in Hong Kong. In May 2023, a delegation of at least two dozen from China's state-approved Protestant bodies, the China Christian Council (CCC) and the Three-Self Patriotic Movement (TSPM), came to Hong Kong for a two-day meeting with local pastors and scholars. Participants, who totalled about 120 people, included teachers from Hong Kong seminaries and leaders of different denominations, churches, and Christian organisations.<sup>69</sup>

In his opening remarks, the chair of the Hong Kong Christian Council, Rev. Wong Ka-fai, said: "The Sinicization of Christianity is a very important research field for the churches and academia in the mainland. To understand the situation of the churches in China, this issue cannot be ignored."

<sup>66</sup> Catholic News Agency, "Hong Kong priest: China trying to control religion in Hong Kong," 26 April 2022 - <https://www.catholicnewsagency.com/news/251069/hong-kong-priest-china-trying-to-control-religion-in-hong-kong>

<sup>67</sup> Reuters, "Historic conclave: Chinese bishops, priests brief Hong Kong clerics on Xi's religious views," 30 December 2021 - <https://www.reuters.com/world/china/exclusive-historic-conclave-chinese-bishops-priests-brief-hong-kong-clerics-xis-2021-12-30/>

<sup>68</sup> National Catholic Register, "Leaders from China's State-run Catholic Church Brief Hong Kong Clergy on President Xi's 'Sinicization' plan," 29 November, 2022 - <https://www.ncregister.com/news/leaders-from-china-s-state-run-catholic-church-brief-hong-kong-clergy-on-president-xi-s-sinicization-plan>

<sup>69</sup> China Aid, "Hong Kong Holds Its First Seminar on the Sinicization of Christianity," 25 May 2023 - <https://chinaaid.org/persecution-by-province/hong-kong/hong-kong-holds-its-first-seminar-on-the-sinicization-of-christianity/>

The President of the China Christian Council, Pastor Wu Wei, emphasised that adhering to Sinicization is to "take the core values of socialism as the origin, carry forward the fine traditions of the Chinese nation, and cultivate the concepts such as unity, progress, peace, and tolerance."

The pro-Beijing newspaper *Ta Kung Pao* quoted Wu Wei's remarks on the Sinicization of Christianity, and argued that Hong Kongers should stop their attachment to foreign concepts and focus more on stories from Chinese history.

As China Aid, a Christian human rights advocacy organisation, observed, "the fact that a Sinicization conference was held in Hong Kong ... shows that Christianity in Hong Kong is under political pressure."<sup>70</sup>

The former secretary-general of the Hong Kong province of the Anglican church (*Sheng Kung Hui*), Reverend Peter Koon, now a member of the pro-Beijing Legislative Council, is reported to have supported "Sinicization". However, he distorts the concept and implies that it means "localisation" or "indigenisation" and avoiding "Western influences", but this is incorrect and ignores the reality at the heart of "Sinicization" – the aim to ensure the political loyalty of religious groups to the CCP.<sup>71</sup>

In April 2023, the Catholic Bishop of Hong Kong, Bishop (now Cardinal) Stephen Chow, visited Beijing, the first visit of its kind since Cardinal Wu's visit in 1994. In remarks which caused some controversy, he urged Hong Kong Catholics to be "patriotic", saying: "We all have to learn to love the country and the Church. Everybody wants their country to do well. Nobody wants their country to be bad. Being patriotic is a duty. If you are [a] resident of Hong Kong or the mainland, you should love your own country".<sup>72</sup>

While on the surface, a call for religious believers to love their country is not in itself problematic, in the context of China, and religion, where "patriotism" is understood to mean love of the Chinese Communist Party, Cardinal Chow's comments have caused some concern. He went on to extend an invitation to the Archbishop of Beijing, who is the Chairman of the state-controlled Catholic Patriotic Association, to visit Hong Kong, and said: "We hope that the Diocese of Hong Kong, the Diocese of Beijing, and all the Catholic communities on the mainland can have more intense collaboration and exchanges in the communion of love." Such trends become more concerning principally because theologians and state officials in mainland China appear to blur the boundaries between "inculturation", which is encouraged by the Second Vatican Council to adapt the culture of the Chinese people into evangelisation, and "Sinicization" which attempts to induce ideological patriotism in preaching and organisational management of the churches following the party-state. Many observers are concerned that such remarks may draw the Diocese of Hong Kong, which is currently independent of the state-controlled Catholic Patriotic Association, further into China's "patriotic" religious structures, with similar implications for Hong Kong's Protestant Christian denominations, leaving Hong Kong's

<sup>70</sup> Ibid.,

<sup>71</sup> See comments as quoted in this news report:

<https://www.cna.com.tw/news/acn/202305290116.aspx>

<sup>72</sup> Asia Times, "Bishop Chow invites the archbishop of Beijing to visit Hong Kong," 22 April 2023 - <https://www.asianews.it/news-en/Bishop-Chow-invites-the-archbishop-of-Beijing-to-visit-Hong-Kong-58246.html>

promised autonomy and freedoms – already dismantled in regard to other basic rights – in tatters with regard to freedom of religion or belief.

## Conclusions and Recommendations

To the casual observer, freedom of religion or belief in Hong Kong may appear to be the one remaining freedom still standing. While Hong Kongers are no longer free to protest, or publish what they wish to in the media or online, as basic freedoms of expression, association, assembly and the press have been stripped away, they are at least still free to go to church, to the mosque, to the synagogue or to the temple. Unlike in mainland China, where places of worship have been shut down, destroyed or desecrated, crosses destroyed, Chinese Communist Party propaganda banners placed alongside religious imagery, surveillance cameras placed at the altar, youth under the age of 18 prohibited from going to places of worship and clergy arrested and jailed, in Hong Kong places of worship are open.

However, if you look a little beneath the surface, as this report has done, it is clear that freedom of religion or belief is under threat.

In a sense, it is inevitable that freedom of religion or belief in Hong Kong would be undermined, for two reasons.

Firstly, when freedom itself is dismantled, sooner or later religious freedom is impacted. All the basic rights set out in the Universal Declaration of Human Rights are inter-linked and interdependent. You cannot have freedom of religion or belief without freedom of expression, association and assembly.

Secondly, the Chinese Communist Party has always been inherently hostile to religion, and has sought at various stages since the establishment of the People's Republic of China in 1949 to either eradicate, suppress, control or co-opt religion. So it was inevitable that as it exerts greater direct control of Hong Kong, undermining the high degree of autonomy set out in the "one country, two systems" principle, freedom of religion or belief would come under pressure.

Currently, the threats to freedom of religion or belief are subtle but clear. As this report sets out, the climate of fear surrounding the draconian National Security Law has led to widespread self-censorship by clergy in their sermons, the impact of this new law on the education sector and the fact that the majority of Hong Kong's schools are run by religious organisations means a cause for concern for the future of religious freedom in schools, and Beijing's campaign of "Sinicization" of religion raises alarm bells for the future of religion in Hong Kong.

As one religious scholar said, "The most violent form of attack on religious freedom is not necessarily the burning of churches and the killing of believers, for the persecutors kill the bodies but not the souls. Rather, the more dangerous and insidious attack on a religion could be its corruption from within, so that its believers can only practice the faith in name rather than in essence. In this regard, the CCP is about to use the latter strategy to attack religious freedom in Hong Kong. Why? Hong Kong is an international city, and it is the world's number three international financial centre, ranked only behind New York and London. Closing Christian schools and churches may be too shocking to foreign expatriates and affect the city's international reputation. Rather, the CCP can totally

restrict religious freedom by using an insidious means: corrupting Christian education and exerting total control on churches without closing them."<sup>73</sup>

Where might this lead? The same scholar predicts that Christian churches may be required to register and to take an oath of fidelity to the government, and that their options for how to respond are limited to either complying and becoming part of an "official" state-controlled church, or refusing to comply and establishing an underground church movement.<sup>74</sup> For Protestants in particular, who unlike Catholics have more flexibility and less hierarchy, Hong Kong could see the development of "house" churches similar to those in mainland China, with small groups of believers meeting in private homes to read the Bible, pray and worship, instead of attending an established church service.

Pastor Shou King-kong, who has been preaching sermons to groups of ten people at a time, told *The Washington Post* that "the norm in the future" will be "mosquito-sized churches", independent from the registered church and the structures of the state. "To continue to speak the truth and call out for social justice, to tell people what the Bible teaches and how the Christ taught us, shall be the greatest challenge we endeavour in this era," he said.<sup>75</sup>

The response of the Hong Kong government to the US State Department's 2022 International Religious Freedom report is a telling sign of the deteriorating situation. In a press release, the Hong Kong government said it "strongly disapproves of and firmly rejects the US' attempt, through the so-called annual report once again, to smear and attack the HKSAR in its dutiful, faithful and lawful implementation of the [national security law] using the name of religious freedom to disguise its despicable political motives."<sup>76</sup>

In response to these early warning signs, the international community should monitor the situation of freedom of religion or belief, especially the upcoming legislation regarding Article 23 of the Basic Law, the crowdfunding law and possible amendments to the Chinese Temple Ordinance, very closely.

In particular:

- those governments which have official envoys dedicated to this theme, particularly the United States Ambassador-at-Large for International Religious Freedom and the State Department Office of International Religious Freedom; the United States Commission on International Religious Freedom; the European Union's Special Envoy for freedom of religion or belief outside the EU; the United Kingdom Prime Minister's Special Envoy for freedom of religion or belief; Taiwan's Ambassador-at-Large for International Religious Freedom, and others should produce an annual report on the situation of freedom of religion or belief in Hong Kong, as the US State Department already does.

<sup>73</sup> CSW, China: Freedom of religion or belief: the untold stories, July 2022

<sup>74</sup> Ibid.,

<sup>75</sup> The Washington Post, "Hong Kong churches no longer off-limits as Beijing tightens grip on dissent," 13 May 2022

<sup>76</sup> The Government of the Hong Kong Special Administrative Region, "HKSAR Government strongly disapproves of and firmly rejects remarks related to Hong Kong in US' 2022 Report on International Religious Freedom," 16 May 2023 - <https://www.info.gov.hk/gia/general/202305/16/P2023051600462.htm>

- All 42 countries within the International Religious Freedom or Belief Alliance (IRFBA) should monitor closely and report regularly on developments in Hong Kong.
- The United Kingdom's Six-Monthly Report annual report on Hong Kong should include the situation of freedom of religion or belief.
- The European Union's annual report on Hong Kong should include the situation of freedom of religion or belief.
- The international community should also reiterate the UN Human Rights Committee's recommendations to the Hong Kong and Chinese governments, in its review of Hong Kong's obligations under the ICCPR, that the National Security Law and sedition law should be repealed and the authorities should refrain from enforcing them immediately.
- The United Nations Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the right to education should also pay close attention to the situation in Hong Kong.

As one Hong Kong Christian leader put it, since the regime has already arrested, charged and convicted almost all their key opponents in Hong Kong, and with the economic slowdown in both mainland China and Hong Kong, a severe, dramatic crackdown on religion on Hong Kong in the immediate future is not expected. Instead, the authorities "will continue to penetrate" religious institutions, "threatening to scare people". That climate of fear may not lead to outright religious persecution, but it is already causing religious adherents to make compromises which they should not have to make, and as a result undermining their basic right to freedom of thought, conscience and religion as set out in Article 18 of the Universal Declaration of Human Rights.

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Written Testimony of  
 the Network of Chinese Human Rights Defenders  
 Before the Congressional-Executive Commission on China  
 for its hearing on  
 “The PRC’s Universal Periodic Review and the Real State of Human Rights in China”  
 February 1, 2024

As China led a high-pressure campaign to coerce UN member states into echoing its talking points on human rights at the UN in Geneva yesterday, many states bravely bucked the pressure and issued substantial recommendations based on human rights laws and standards that have drawn attention to China’s egregious human rights violations.

**The highlights of these interventions at the Universal Periodic Review include:**

- **At least eighteen countries recommended the ceasing of the persecution of human rights defenders or the need for an enabling environment for human rights defenders** (Canada, Chile, Czechia, Denmark, Finland, France Germany, Greece, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Norway, the Marshall Islands, Sweden, Switzerland). Countries also highlighted the need for authorities to end reprisals against civil society (Estonia, Germany, Lithuania, the Marshall Islands).
- **Eighteen countries raised Hong Kong, up from just six in the last UPR in 2018.** As has been well documented, the human rights situation has deteriorated rapidly since the introduction of the National Security Law by the Central Government in 2020.
- **Twenty states made recommendations about Tibet.** This significant concern for Tibet comes as the Chinese government limits travel to the region and is subjecting up to a million children to colonial-style residential boarding schools.
- **Approximately twenty states also made recommendations on the Uyghur region,** and [eleven states](#) urged the Chinese government to implement recommendations made by the Office of the High Commissioner for Human Rights (OHCHR) in its assessment of the region. Notably, while recommending that China implement the OHCHR recommendations, Switzerland reiterated the OHCHR’s important finding that the extent

of arbitrary detentions “may constitute crimes against humanity.” Recognizing the overlap between ethnic and gender discrimination, Montenegro recommended, “Investigate effectively allegations of human rights violations in camps and other detention facilities, including torture, sexual violence, forced labour and other mistreatment.”

- **The recommendation to end the use of the death penalty, or implement a moratorium**, was raised by many countries, including developing countries in the Global South, such as Colombia and Argentina.
- **Several countries, such as Ecuador, Peru, and the Marshall Islands raised the need for China’s overseas business operations to operate according to business and human rights standards**, which implicitly draws a contrast to China’s “win-win” and “people-centered” development model, which does not reference the state’s duty to protect human rights or the corporate responsibility to protect human rights.
- **Eleven states (Chile, Iceland, Ireland, Germany, Malta, the Netherlands, New Zealand, Norway, Sweden, the United States of America, Uruguay) brought up recommendations to protect the LGBTIQ+ community and sexual minorities, which have been under increasing attack since the last UPR in 2018.** One particularly strong recommendation, in light of the [closure](#) of several LGBTIQ+ advocacy organizations, was this recommendation by Iceland; “Remove restrictions on freedom of expression and press freedom including on SOGIESC related media content and allow registration of SOGIESC CSOs.”
- **Many states, including Kazakhstan and Paraguay, recommended that the Chinese government ratify the ICCPR and that it cooperate with the UN Special Procedures, including by extending a standing invitation for country visits.** As CHRD highlighted in our [briefing](#) on the UPR, the lack of operating in good faith with the UN system is a core obstacle for the government’s improvement in human rights. Rwanda and Benin recommended that China “Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”.
- **In total, 31 countries raised the issue of women’s rights.** While not all of the recommendations were worded in an effective way, the sheer number of recommendations is to some extent a testament to China’s lack of progress in women’s rights in recent years. Given the lack of attention to women’s rights by China’s nearly all-male political leadership, Bulgaria’s recommendation was particularly noteworthy; “Take further steps to increase women’s representation in the legislature, public administration and judiciary”.
- **At least nine states made recommendations regarding enforced disappearance, which CHRD and other NGOs have identified as a tool that the Chinese government has increasingly adopted in its governance, even though it is a gross human rights violation.** Notably, this included states in the Global South, such as Côte d’Ivoire, which recommended that China “Ratify the International Convention for the Protection of All

Persons from Enforced Disappearance.” Australia, Luxembourg, Sweden, the United States of America, and the United Kingdom of Great Britain and Northern Ireland recommended that China abolish “Residential Surveillance at a Designated Location,” a form of secret detention and enforced disappearance in which torture is common.

Overall, CHRD believes that the relatively high number of recommendations reflecting the highest human rights laws and standards is the result of the hard work of civil society organizations in documenting rights abuses in different issue areas and regions and communicating their findings to states. Some countries, such as Canada, Germany, Luxembourg, New Zealand, the United States of America, and the Netherlands, deserve credit for successfully managing to issue several recommendations within a small window of time, 45 seconds. Numerous states in the Global South, such as Mexico, Chile, Uruguay, and the Marshall Islands, deserve recognition for issuing strong and thoughtful recommendations. CHRD commends all the states that engaged in the UPR in [good faith](#), a key element to the success of the UPR and human rights improvements by governments more broadly.

### **China’s pressure campaign**

As expected, during the UPR, the Chinese government presented an alternative reality of its human rights performance. In contrast with the above, many countries made vague and weak recommendations and praised the Chinese government profusely, reflecting an intense lobbying campaign ahead of the UPR by the Chinese government to whitewash its record, as exposed by [Reuters](#) and [The Geneva Observer](#). This often included the Chinese delegation giving specific points for countries to raise in their interventions at the UN. In total, China received approximately 130 interventions from “friendly” countries. By accepting these “recommendations,” which in many instances were probably written by the Chinese government itself, the government can claim that its human rights record enjoys widespread global support.

Meanwhile, recommendations touching on important human rights violations, often directly referencing documentation by UN treaty bodies and UN human rights experts, were dismissed by China’s Ambassador to the UN as [based on](#) “ideological bias, rumors and lies”.

Most worryingly, people inside the United Nations attending the review told CHRD that numerous Government-Organized Non-Governmental Organizations, GONGOs, which are fake NGOs masquerading as real ones, were at the venue in large numbers. The large contingent of GONGOs presented a façade of civil society being in attendance, and worryingly, some GONGO representatives took pictures of independent civil society delegates, in violation of UPR rules of conduct.

We recommended that member states assessing the Chinese government’s human rights performance in Geneva for the Universal Periodic Review (UPR) focus on targeting UPR’s declared objectives—the “improvement of the human rights situation” and the “fulfillment of the State’s human rights obligations and commitments and assessment of positive developments and challenges faced by the State.” More importantly, we urged diplomats representing these governments to be acutely aware of the absent voices in the room and the experiences of

victims of the Chinese government's atrocity crimes during the UPR dialogue with the official delegation from Beijing.

The Chinese government has, as in the past three rounds of the UPR, systematically blocked victims and civil society from participation in the preparation of its State report, even though States under review are “encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders.” Domestically, the government is silencing critical voices, and internationally, it is engaging in transnational repression to intimidate victims, advocates, and NGOs. Its state report inevitably does not present an “objective” assessment of its human rights record based on broad and free national participation.

To make the UPR process more effective in protecting and promoting human rights in China, we have assessed China's implementation of recommendations received from member states in the 3rd UPR in 2019 with the purpose of providing a perspective from civil society, providing critical analysis of past recommendations and a strategic approach to the UPR process. The team that conducted the assessment largely agreed that human rights conditions referenced by the 3rd UPR have not improved—and in many cases have further deteriorated since 2019.

The assessment also identified the worrying tendency by the Chinese government and likeminded or “friendly” states to exploit loopholes, manipulate the rules, or engage in the UPR process in bad faith, thereby betraying the originally intended purpose of the UPR when it was established as a mechanism for advancing human rights.

In particular, we advised governments to:

- Watch out for intimidation, threats, or reprisals by Chinese government officials toward civil society participants, NGO representatives, or UN staff.
- Watch out for attempts by the Chinese government to block submissions by independent stakeholders from publication on UN platforms.
- Be aware of GONGOs under the guise of NGOs flooding the process, narrowing the space for genuine civil society.
- Be vigilant against “friendly states” making counter-productive or anti-human rights recommendations, defeating the purpose of the UPR, and be ready to “call out” such unacceptable recommendations for the UPR and urge their removal from the report, or that they be listed separately as disqualified for the UP in the Working Group Report on grounds that they betray the mission and objectives of the UPR. These recommendations, if implemented, would actually violate universal human rights standards, having the opposite effect on promoting human rights.
- Make sure to persist in referencing the OHCHR assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region in recommendations and other UPR materials.

- Make reference to UN independent human rights experts and treaty bodies, putting the Chinese government on record as either accepting or rejecting UN documents and reports. This can build a body of evidence for scrutinizing the government's behavior at the Human Rights Council, especially when states consider China's qualifications for a membership seat.
- Formulate Specific, Measurable, Achievable, Results-oriented, and Time-bound (SMART) recommendations.
- Pay attention to implementation of past recommendations, rather than the likelihood of being "accepted." High acceptance rates in past cycles have not translated into meaningful implementation, even less into actual improvement of human rights on the ground.
- Do not shy away from making recommendations in areas of serious rights violations, where human rights conditions are persistently poor or have deteriorated, though the Chinese government is unlikely to accept such recommendations. Though likely to be rejected, such recommendations uphold the highest human rights standards, set clear benchmarks for progress, and indicate the discrepancies between China's obligations and performance.
- Avoid the duplication of multiple states making similar recommendations. Coordinate efforts to cover the many areas of human rights where violations persist and protection is poor, not only in areas of civil and political rights, but also in economic, social, and cultural rights.
- Avoid using coded phrases (like win-win cooperation or mutually beneficial cooperation) or terminology promoted by the Chinese government on UN human rights platforms, intended to weaken and undermine international human rights standards and institutions. Avoid references to Chinese government initiatives that are not fully human rights compliant (i.e., the Belt and Road Initiative, the Global Civilization Initiative, the Global Development Initiative, etc.)

*The Network of Chinese Human Rights Defenders (CHRD) is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China. (<https://www.nchrd.org>; X: CHRDnet)*

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Statement of Enghebatu Togochoog

My name is Enghebatu Togochoog. I am the Director of the Southern Mongolian Human Rights Information Center (SMHRIC), a New York-based human rights organization dedicated to promoting and protecting the human rights of the Mongolian people in Southern Mongolia, widely known as “Inner Mongolia,” of the People’s Republic of China. As the United Nations Human Rights Council has recently conducted the Universal Period Review on China, I would like to bring to the attention of the Congressional-Executive Commission on China the PRC’s systematic repression of the rights of Southern Mongolians, the ongoing cultural genocide, as well as escalating transnational repression of Southern Mongolian exiles and the citizens of the independent country of Mongolia.

#### SYSTEMATIC REPRESSION

Officially incorporated into the People’s Republic of China in 1949, Southern Mongolia, this vast Mongolian historical territory that includes the so-called “Inner Mongolia Autonomous Region” and other Mongolian-inhabited areas in the neighboring Chinese provinces, is currently home to a population of six million Mongolians, twice as large as that of the independent country of Mongolia in the north. Publicly advertised as the “model autonomy” by the Chinese government, Southern Mongolia has always been the de facto testing ground of all forms of China’s ethnic policies including genocide, ethnic cleansing, political purge, economic exploitation, cultural eradication, linguistic assimilation, social marginalization, resource extraction, and environmental destruction.

As early as the late 1940s, the Chinese Communist Party had experimented, using its “Land Reform Movement” in Southern Mongolia even before the establishment of the People’s Republic of China. Mongolian land was effectively confiscated and distributed to the Chinese settlers, and tens of thousands of Southern Mongolians were executed as “herd-lords.” Soon after the founding of the PRC, at least 20,000 elite Southern Mongolian intellectuals were persecuted as “national rightists” for demanding the materialization of “nationality autonomy” that the Chinese Communist government promised to Southern Mongolia; From the late 1960s through the early 1970s, Southern Mongolia had experienced a textbook example of a genocide campaign, carefully designed by the Chinese Central Government and carried out by the People’s Liberation Army and Chinese settlers. An estimated 100,000 Southern Mongolians were tortured to death, and a half million persecuted. One third of the Southern Mongolian population was affected by this unprecedented scale of genocide.

In the early 1980s, the Chinese Central Government accelerated the process of Chinese migration to Southern Mongolia. As a result, in 1981, a large-scale student movement broke out across Southern Mongolia. After a three-month-long region-wide student protest, the Chinese Government cracked down on the students and arrested, detained, and imprisoned the student leaders and supporters. In the early 1990s, Southern Mongolian intellectuals established a number of underground organizations protesting Chinese occupation and demanding national freedom. All of them were harshly crushed by the Chinese authorities. In 1995, one such organization, the Southern Mongolian Democratic Alliance, whose goal was to achieve the total independence of Southern Mongolia and ultimately to merge with the independent country of Mongolia, was declared a “national separatist organization.” The President and the Vice President of the organization, Mr. Hada and Mr. Tegexi, were arrested and sentenced to 15 years and 10 years in jail respectively on charges of “separatism and espionage.” Nearly 70 other members were arrested, detained, and sent to jail, with sentences ranging from 3 months to a year. Since 2020, Mr. Hada, his family members, and other former political prisoners have gone missing.

Starting in 2001, the PRC government has launched a renewed attack on the Mongolian traditional nomadic way of life. Two sets of policies, namely the “Ecological Migration” and “Livestock Grazing Ban” were introduced to forcibly displace the entire Mongolian herder population from their ancestral lands to overwhelmingly Chinese-populated urban and agricultural areas. These displaced herders became homeless, jobless, and landless. The Mongolian pastoralist way of life and nomadic civilization were effectively wiped out. Southern Mongolians consider this a critical step in China’s overall cultural genocide in Southern Mongolia. According to the Chinese Central Government State Council announcement published on its website in May 2012, by the end of 2015, China would resettle the remaining nomad population of 246,000 households or 1.157 million nomads within the borders of China. This means that by the end of 2015, the millennial-old nomadic civilization was officially put to an end in China.

In 2009, the Chinese central government announced that Southern Mongolia had become “China’s largest energy base.” Chinese extractive industries including major state-run mining corporations and thousands of ninja miners rushed into Southern Mongolia. In May 2011, a region-wide protest broke out in Southern Mongolia, sparked by the brutal killing of a Mongolian herder who defended his land from coal miners. Tens of thousands of students took to the street supporting the widespread herders’ protest across the region. The Chinese authorities responded with riot police and paramilitary forces to put down the uprising. Hundreds were arrested, detained, and jailed. Resource extraction and environmental destruction have not been put to a halt, only exacerbated.

#### ONGOING CULTURAL GENOCIDE

As the final step of the cultural genocide campaign, in June 2020, the Chinese Central Government announced its intent to implement “Second Generation Bilingual Education,” a new policy for the fresh attack on Mongolian culture. The goal of the new policy is clear: wipe out Mongolian language, culture, and identity and turn Southern Mongolia into a homogenous, worry-free Chinese society.



In response to this, starting in late August 2020, the Southern Mongolians carried out a region-wide nonviolent resistance movement. The entire Southern Mongolian populace stood up to the Chinese regime. From kindergarteners to college professors, from ordinary herders to prominent scholars, from party members to government employees, from artists to athletes, from lawyers to police officers, from taxi drivers to delivery men, all walks of life of Southern Mongolian society took part in the protest in one way or another. At least 300,000 Mongolian students went on a total school strike. The Chinese authorities harshly cracked down on the movement. An estimated 8,000 to 10,000 Southern Mongolians have been arrested, detained, jailed, and placed under house arrest. Eleven Southern Mongolians lost their lives in defense of their rights to their mother tongue.

What followed this heavy-handed crackdown was a full-scale and full-speed cultural genocide campaign whose scope has extended far beyond the simple switch of medium of instruction from Mongolian to Chinese in schools.

Starting on January 1, 2021, all government mouthpieces including the Inner Mongolia Radio and Television Mongolian language services have been ordered to start replacing Mongolian cultural programs with Chinese ones in order to promote “the strong sense of Chinese (zhong hua) nationality common identity.” “Learn Chinese and become a civilized person” has been an official slogan publicly promoting Chinese supremacy over Mongolian language, culture, and identity. Slogans of “mutual interaction, mutual exchange and mutual assimilation of all ethnic groups to firmly establish the Chinese nationality common identity” have been aired repeatedly from TV and radio stations across the region. In schools, Mongolian students are subjected to military-style training and propaganda activities. Mongolian college students are forced to wear Mao suits and sing communist “red” songs to extol the greatness of China. Mongolian teachers and professors are brought to the Chinese Communist red base Yan’an to receive patriotic education.

In a move to justify the total elimination of Mongolian languages from the entire educational system in Southern Mongolia, the Chinese National Congress announced recently that “education in minority languages as local legislation stipulated is unconstitutional,” according to the Chinese official press “People’s.” This overwrites Article 4 of the Constitution of the People’s Republic of China that states “All ethnicities have the freedoms and rights to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.” Local authorities in the Autonomous Region reacted promptly to implement this directive. Subjects on Mongolian culture and history taught in Mongolian in local schools are considered “underemphasizing the Chinese nationality common identity and deliberately overemphasizing individual ethnic group’s ‘ethnic identity’ and ‘ethnic sentiment’ ” and are removed from curriculum across the region.

In an effort to completely block all avenues of learning Mongolian, on January 9, 2021, the Inner Mongolia Autonomous Region Department of Education issued a document to “ban any school from gathering students to offer extracurricular learning courses or from teaching new courses.” It strictly prohibited middle and elementary school teachers from organizing or participating in any training organizations outside the campus or any paid make-up courses organized by teachers, parents and parents’ committees, or inducing students to participate in any paid make-up courses organized by themselves or others. “Introducing student sources and providing relevant information to any training organization outside the school campus is strictly prohibited.”

according to one of the Chinese official presses, “Xin Lang Wang.” Flagrant cultural annihilation is most visible in the series of arts and cultural performances put together by the Chinese authorities for the Mongolian Tsagaan Sar, the traditional Mongolian new year.

Peking operas have replaced the Mongolian traditional art performance in TV programs across the region. In some programs, Mongolian traditional dances are converted to hybrid ones that exhibit full features of Chinese operas. Horse-head fiddle, a traditional Mongolian musical instrument, is played in concert with suona, a distinctively high-pitched instrument often played in Chinese traditional music ensembles. Mongolian most-sacred sites like Oboo, a stone altar devoted to the worship of the Eternal Sky and local gods, are also targeted by this campaign. Chinese traditional performers like Yangge dancers frequently showed up on Oboo sites to mock the Mongolian Oboo ritual ceremony. Sculptures of Mongolian historical figures have been taken down and smashed; signs in Mongolian are removed from schools, buildings, streets, and parks. The latest footage we received shows that a group of construction workers are removing the Mongolian letters from the official sign of the Hohhot City People’s Procuratorates in the regional capital. In another photo, a group of Mongolian students stood next to their school entrance’s Mongolian sign that was scheduled to be removed the next day. Mongolian publications are banned altogether, and Mongolian books are taken down from bookstore shelves; printing and copy services on the street are ordered not to provide the service of printing and copying any materials in Mongolian; postal and courier services are instructed not to deliver any Mongolian books and publications.

On the official front, a region-wide intensive training program was launched. According to the “Inner Mongolia News” official website, the first session of the Region-wide Educational System Special Training for the Firm Incultation of the Chinese Nationality Common Identity started on December 8, 2020. Although the exact details of the training and the total number of trainees remains unknown, the report confirmed that a three-phase training program will be complete by the end of March 2021. Other regional and local news revealed that the synchronized training sessions were held in all schools, colleges, and universities throughout the Autonomous Region.

A 47-page internal document entitled “Propaganda Pamphlet for Incultating the Chinese Nationality Common Identity to Push for the Usage of Nationally Compiled Textbook and National Common Language Education” was issued by the Inner Mongolia Autonomous Region Department of Education in January 2021. According to a trainee who asked not to be identified, all the lectures, discussions, reflections, and quizzes are centered on this document. Quoting Xi Jinping’s remarks, the document “urges the masses to communicate and train together to take up the work of interfusing the feelings, to strive hard to create a social condition of living together, learning together, working together and enjoying together, and urges all ethnic groups to accept the great mother country, Chinese nationality, Chinese culture, Chinese Communist Party and socialism with Chinese characteristics.” The document also warns the Southern Mongolians that “the wrong path of narrow nationalism can easily lead to the return of separatist tendency.”

A trainee who managed to leave China and arrived in the United States recently told us that he and all of his Mongolian coworkers were put through this training for 2 months. During the training, they had to denounce their “narrow nationalism” and “nationalistic feeling” and embrace the “Chinese Nationality Common Identity.” They must provide all of their social contacts and the details of their social media activities to the authorities. Toward the end of the training, they were forced to confess their supposed “mistakes,” including their past gatherings where they wore Mongolian traditional clothes and sang Mongolian songs. They were warned that these are the mistakes that are against the spirit of “Chinese nationality common identity.”

They had to answer multiple questionnaires designed to assess their “ideological improvement.” One of the questions, the trainee said, was “How many Chinese friends do you have?” Those who answered “none” or “few” were put through extended trainings before they were qualified to “graduate.” Before release, all trainees must sign a paper promising not to engage in any activities of highlighting “Mongolian characteristics” and expressing “nationalistic feeling.”

**In a last ditch of effort to erase the Mongolian language from Southern Mongolia, in September 2023, the government of China officially ordered ALL Mongolian schools, from kindergartens to colleges, to teach ALL subjects in Chinese exclusively. This concludes China’s three-year-long language erasure campaign to remove the Mongolian language completely from the entire educational system in Southern Mongolia.**

#### TRANSNATIONAL REPRESSION IN MONGOLIA

China’s transnational repression of Southern Mongolians started from Day 1 of the annexation in 1949. As soon as it established its regime in Southern Mongolia, the Chinese government pressured the government of Mongolia to deport those Southern Mongolian freedom fighters and independent movement leaders including Prince Demchegdonv, the iconic figure of the Southern Mongolian independence movement and General Li Shou Xin, the commander of the Southern Mongolian army. Both of them were deported back to China and died under house arrest. Hundreds of other Southern Mongolian freedom fighters were also deported from the independent country of Mongolia, and many of them, including the legendary Southern Mongolian guerrilla leader Han Sanjee, were executed in the 1950s.

This transnational repression failed to stop Southern Mongolians’ aspiration for national freedom and independence. Tens of thousands of Southern Mongolians continued to leave China for Mongolia. China continued to pressure the government of Mongolia to deport them back. For example, in 1987, two Southern Mongolian student leaders, Mr. Baatar and Mr. Ulaangerel, crossed the border and entered the independent country of Mongolia. China demanded their immediate extradition, and both were extradited back to China. Mr. Baatar had his arm broken by rifle butts when he refused to kneel in a gesture of submission before the Chinese. Both of them were sentenced to 8 years in prison.

The PRC’s transnational repression of Southern Mongolians continued even after Mongolia became a democracy in 1992. Recent cases of deportation of Southern Mongolian exiles and activists include the cases of Mr. Batzangaa, Mr. Dalaibaatar, Mr. Tulguur, Mr. Unenbaatar Loojab, and Mr. Lhamjab Borjigin. Dissident and activist Mr. Batzangaa was the head of a Mongol-Tibetan Medical School in Southern Mongolia prior to his exile. In 2009, he escaped China and arrived in Mongolia. Chinese authorities sent their own police and worked with Mongolian authorities and arrested him in front of the UNHCR building in Ulaanbaatar and deported him back to China along with his wife and 9-year-old daughter. Later on, after his attempt to apply for political asylum with the U.S. Consulate in Guangzhou, he was imprisoned for 3 years.

The latest case of arrest and extradition of Southern Mongolian dissidents in the independent country of Mongolia is the case of Mr. Lhamjab Borjigin. He is a Southern Mongolian dissident writer and historian. In 2019, Mr. Lhamjab Borjigin was sentenced to 2 years in prison for writing a book entitled “China’s Cultural Revolution.” In March 2023, he managed to escape from house arrest and arrived in Ulaanbaatar, the capital of Mongolia. In May 2023, the Chinese authorities sent their own police and arrested and deported him back to China. While he was in Ulaanbaatar, he contacted the UNHCR in Thailand and applied for refugee status. Currently his whereabouts and health conditions are unknown.

The PRC’s transnational repression to silence any criticism in Mongolia reached new heights in February 2022, when Mr. Munkhbayar Chuluundorj, a long-term human rights activist, writer, and journalist, **and citizen of the independent country of Mongolia**, was arrested by the Mongolian General Intelligence Agency and later on, sentenced to 10 years in prison on a charge of “working with a foreign intelligence agency to spy against the People’s Republic of China.” The so-called “foreign intelligence agency” is the Indian Embassy to Mongolia. As a human rights activist, Munkhbayar met with Indian Embassy personnel and criticized China’s human rights violations in Southern Mongolia and China’s malign influence in the independent country of Mongolia. We consider this to be China’s new level of transnational repression in Mongolia as, until 2022, China’s transnational repression was always limited to arresting and deporting Southern Mongolian exiles in Mongolia. Pressuring the government of Mongolia to punish Mongolian citizens for criticizing China is unprecedented.

#### RECOMMENDATIONS

Considering the PRC’s systematic repression of all kind of rights of the Mongolian people in Southern Mongolia, the ongoing cultural genocide campaign that goes far beyond the simple removal of language, and the Chinese authorities’ unprecedented level of aggressiveness in its transnational repression of Southern Mongolian exiles and Mongolian citizens in the independent country of Mongolia, I would like to make the following recommendations to the United States Congress:

1. Carry out a thorough investigation into the serious gross human rights violations in Southern Mongolia, particularly the ongoing cultural genocide;
2. In accordance with the recommendations the U.S. Congress made official in the appropriation bills, establish a Mongolian language broadcast on Voice of America to help Southern Mongolians keep their language alive and establish a channel to the free and democratic world;
3. Introduce and pass legislation similar to the Uyghur Human Rights Policy Act and Tibet Policy and Support Act to support the six million Southern Mongolians in their effort to defend their basic human rights and fundamental freedoms;
4. Urge the PRC government to stop its transnational repression of Southern Mongolian exiles and citizens of the independent country of Mongolia.

Thank you.



**Written testimony to supplement the record provided by the International Campaign for Tibet to the Congressional Executive-Commission on China for “The PRC’s Universal Periodic Review and the Real State of Human Rights in China”**

February 1, 2024

The International Campaign for Tibet is grateful to CECC Chair Smith and Co-Chair Merkley for the opportunity to provide the following testimony for this hearing. As the largest Tibet support group in the world, the International Campaign for Tibet seeks to help Tibetans in their peaceful struggle for democracy and human rights and works to preserve Tibet’s ancient culture of wisdom.

**Introduction**

At the Jan. 23, 2024, United Nations Human Rights Council Universal Periodic Review (UPR), the People’s Republic of China (PRC) found itself under unprecedented international scrutiny for its human rights violations in Tibet and the manifold atrocities it inflicts on the Tibetan people. The UPR presents one of the most potent international tools to evaluate human right records nation by nation, and the results matter. One of the best measures of a nation’s concern is the number of questions and recommendations dedicated to an issue.

This year the questions and recommendations related directly to Tibet increased more than twofold since the PRC’s previous review in 2018. This increase is simultaneously a sign of hope and warning. It means international awareness of and commitment to His Holiness the Dalai Lama’s message of peace, justice and democracy has strengthened. The warning is that in the intervening years since the last UPR, the persecution of the Tibetan people has only risen, particularly under the Xi Jinping regime.

This includes both civil and political rights as well as the economic, social, and cultural rights of the Tibetan people. Violations have been widespread and systematic, and policies to erode Tibetan Buddhism, the Tibetan language, and the Tibetan way of life constitute a fundamental threat to the survival of an authentic and self-determined Tibetan people with associated rights.

In this context, it is important to parse the severe impact the PRC agenda is already having on the rights and freedoms of the Tibetan people while also underscoring the many signs of greater scrutiny China should expect now that the curtain has been pulled further back. This places a burden on the Chinese government to rapidly institute a sharp course change that adopts and implements international law, as well as basic ethical standards.

### **Disgraceful Record: People's Republic of China Universal Review**

Before addressing the numerous violations occurring in Tibet let us evaluate the UPR process itself and how the PRC attempts to outmaneuver inspection. Here is an example taken from the Chinese government's report at the UPR. The report indicates that the PRC consulted 40 non-governmental organizations. Further examination of the report reveals that these so-called non-governmental organizations are closely aligned with the Chinese government. Some of them are regularly present in Geneva and vigorously toe the party line regarding Tibetans, Uyghurs, Hong Kongers, and Chinese rights defenders, for example in the course of the review of China at the UN Committee on Social, Economic and Cultural Rights in 2023. In contrast, Tibetans in Tibet are barred from freely contributing to the UPR process. For one, there are simply no independent civil society organizations in Tibet that represent Tibetan aspirations outside the party and the state. Secondly, Tibetans in Tibet cannot speak out without fear of persecution, fear of being detained, of being tortured or worse. The UPR process, as conducted by the Chinese government, therefore, is not "people centered" but fully state- and party-centered.

Also, the PRC's use of intimidation and other tactics to dominate the UPR process itself should not be ignored. Two examples stand out. First, stacking the deck. Comparatively, the Chinese delegation far outnumbers those from other nations, as does its cadre of GONGOs (government-organized NGOs). At the UPR session, the Chinese delegation comprised more than 50 representatives. In addition, there was a considerably high number of GONGO representatives populating side events and the building. Evidence also shows the systematic photographing during the UPR session by diplomats and GONGO members of civil society delegates before and after the session, inside and outside the UN premises. Not only does this produce an immediate disruption in proceedings, but it also clearly shows the threat of post-UPR reprisals. Notable too was the unusually high number of statements made by member states, which counted more than 160. Given the limited time of the session, this reduced the speaking slots for each state to 45 seconds. As a result, states that attempted to challenge the PRC's human rights record were forced to adapt the quantity and quality of their recommendations at the session to those 45 seconds. Additionally, the large number of states wanting to give statements led to a reduction of space in the room, as indicated by UN staff in the room allowing only 15 civil society organizations to take seats at the session. It must be presumed that most of the states speaking out and upping the number of speakers were motivated by the PRC delegation to do so. It was notable that their statements could have been drafted by the PRC, and media reports citing diplomats give reason for concern that the PRC indeed had instructed those particular states to deliver statements supporting PRC policies. All of this clearly points to a systematic strategy of the PRC to use loopholes in the process to reduce criticism of its policies through states and through civil society. A final point is that this cycle of review brought to bear a greater swath of the faith community speaking together regarding not only the horrendous record of the PRC but also how its behavior must be taken seriously by leaders around the world—not just in solidarity, but also as a warning to the global community that freedom of religion is a universal right and must be defended for each country, community, and individual.

### **Freedom of Religion**

Freedom of religion was a consistent theme at China's evaluation. Specifically, Xi Jinping has accelerated CCP plans to alter Tibetan Buddhism's very identity to make it subservient to the Chinese Communist Party. Traditionally the Tibetan monastic community is bound by spiritual codes of conduct developed through the centuries by the ecclesiastical community. However, today China requires the monastic community to hold the Communist doctrine and the party as higher authority than Buddhist precepts even on spiritual matters. Over the years, the Chinese state has promulgated various regulations to bring Tibetan monasteries and monastics under tighter control of the state, including in relation to the management of financial affairs of monasteries and through new behavioral controls and surveillance requirements. These methods are being asserted behind the veil

of laws and regulations.<sup>1</sup> The CCP's efforts to interfere in the reincarnation process of Tibetan spiritual leaders in and outside Tibet is an egregious violation of Tibetan Buddhists' right to religious freedom. It threatens to cause enormous upheaval when the CCP disregards the Tibetan Buddhist leaders' process for determining the current 14th Dalai Lama's reincarnation and anoints its own handpicked successor as the 15th Dalai Lama. There is a disturbing precedent for this profoundly politicized human rights violation. In 1995, Chinese authorities kidnapped and disappeared a 6-year-old boy, Gedhun Choekyi Nyima, and his family just three days after the current Dalai Lama recognized him as the reincarnation of the 10th Panchen Lama.

Shortly thereafter, Beijing installed its own patently false Panchen Lama, Gyaltsen Norbu. Gedhun Choekyi Nyima and his family have not been seen in public since 1995, and no evidence has been provided that they are still alive.<sup>2</sup> UN special procedures and treaty bodies have consistently raised the case of the Panchen Lama with the Chinese government and have urged the Chinese government to respect the religious rights of Tibetan Buddhists, including their right to recognize their religious leaders without interference by the government. Several nations' questions took direct aim at this situation. For example, the United States included the following: "Will China state publicly and unequivocally that it will not interfere with Tibetans' ability to choose their religious and spiritual leaders, including the next Dalai Lama?" The U.S. was not the only government that raised Chinese interference in religion. Examples include Switzerland's inquiry, "Will the Chinese Government adhere to internationally recognized standards to protect freedom of religion or belief by refraining from interfering with the Tibetan people's right to choose its own clergy, including on the next Dalai Lama?" The United Kingdom's submission echoed this, stating "What steps is the Government taking to ensure that the right to freedom of religion or belief is respected and protected for members of all religious and ethnic groups in China, including Muslim-majority ethnic groups in Xinjiang, Tibetan Buddhists including Gedhun Choekyi Nyima and Go Sherab Gyatso, and other religious groups including Christians such as Pastors Wang Yi and Zhang Chunlei?"

These challenges are welcome and help reveal the truth behind the Chinese government's 2019-2023 five-year plan to co-opt Buddhism in China by emphasizing loyalty to the CCP and the state.<sup>3</sup> Operating under the control of the state-run Buddhist Association of China, the plan includes Tibetan Buddhism. The CCP's "Administrative Measures for Religious Organizations," promulgated in 2020, further formalized administrative procedures for "Sinifying" (eroding the distinct characteristics) of all religions, including Tibetan Buddhism, to "follow the path of socialism with Chinese characteristics."<sup>4</sup> Further, these developments have been acknowledged in concerns raised by United Nations treaty bodies. A particularly glaring example came during the 7th Tibet Work Forum of the Chinese Communist Party (CCP) concluded under the leadership of Secretary General Xi Jinping, where the party indicated the top priority being assigned to Tibet by the Chinese leadership and reiterated policy guidelines that represent a threat to Tibetan culture and human rights. There was considerable emphasis on ensuring "national security" and "ethnic solidarity." Tibetan Buddhism should be adapting to socialist society and should be "developed in the Chinese context," the Work Forum stated.<sup>5</sup> Against this background, the Chinese authorities continue to limit Tibetans' rights to freedom of opinion and expression and freedoms of peaceful association and of assembly. Individuals are routinely arbitrarily detained, subjected to torture and denied due process in the criminal justice system for voicing basic concerns about social and environmental issues. Tibetans continue to peacefully resist despite intensified and preemptive policing.<sup>6</sup> In addition, the CCP is systematically interfering in the exercise of the right to freedom of religion of Tibetan Buddhists.

### Language Destruction

The uprooting of language rights and the ability for Tibetan youth to receive robust education in their mother tongue and associated equal economic and political access were also primary concerns at the UPR. The Chinese government has implemented a boarding school system that separates Tibetan children from their families and enforces Chinese language education. This attack on the root of

Tibetan society leaves parents in fear that their language, culture, religion, and identity will be rapidly erased. Recent reports by the Tibet Action Institute<sup>7</sup> and the International Campaign for Tibet<sup>8</sup> reveal China's vast network of boarding schools for students from as young as age 4 across Tibet and beyond. Across Tibet, at least 800,000 Tibetan children aged 6 to 18 are living in such schools, making up 75% of Tibetan students in this age group. At least another 100,000 children aged 4 to 6 live in pre-school boarding schools.<sup>9</sup>

This is not a new phenomenon. In Tibet, Mandarin (Putonghua) Chinese is rapidly replacing Tibetan as the language of education. China has promoted its so-called "Sinification" agenda under the pretense of "national unity" by using terms such as "bilingual education," "mixed classes," "concentrated schooling" and "ethnic mingling."<sup>10</sup> The National Long-Term Education Reform and Development Plan (2010-2020) and the Thirteenth Five-Year Development Plan for National Language Works (2016-2020) promoted the use of written and spoken Mandarin as the official national language of China.<sup>11</sup> As well, the language and culture of the Han majority are inculcated daily at boarding schools. As a result, Tibetan language and cultural proficiency wanes, and many Tibetan students lose their ability to read and write in their mother tongue.<sup>12</sup> By 2007, 95% of all primary schools in the Tibet Autonomous Region (which spans roughly half of Tibet) employed Mandarin as the medium of education.<sup>13</sup> Further, students live separated from their families, potentially facing psychological, physical and emotional harm. Children are subjected to highly politicized education in the Chinese language. As a result, Tibetan students become strangers to their families and communities and subsequently their culture. Importantly, the student body is taught in Mandarin as the CCP is keenly aware that the mother tongue is one of the most fundamental components of the continuity of a people's identity from one generation to the next. It also knows language is one of the last impasses for its control of Tibet and the Tibetan people. Putting the PRC on the spot, nations at the UPR made multiple stark statements of concern. For example, the Netherlands questioned: "Will the Government implement the Concluding Observations of the Committee on Economic, Social and Cultural Rights of February 2023 and the Committee on the Elimination of Discrimination against Women of May 2023 to immediately abolish the coerced residential school system imposed on Tibetan children and allow private Tibetan schools to be (re)established?" Australia also addressed the issue of child separation and forced boarding school enrollment, stating that "Australia is deeply concerned about reports detailing China's assimilationist policies, including forced labour transfer programs and the coerced separation of Tibetan children from their families through state-run boarding schools." The increasing focus on these policies during the UPR (and outside it) is warranted and essential as uprooting native language is particularly egregious in the case of Tibetan culture, considering the role memorization and recitation play in a rigorous monastic education system. If the CCP's program to sever the transmission of Tibetan language and culture to Tibetan youth proves successful, it will significantly advance the PRC's agenda to contain and erase Tibetan civilization.

#### **Forced and coerced population displacement**

Since the 1980s, Tibetans have undergone an unprecedented process of forced or coerced displacement. This expulsion from their traditional lands most often occurs under the policies of "ecological migration" (Chinese: shengtai yimin), "converting pastures to grasslands" (tuimu huancao) and the "comfortable housing project," which are mere euphemisms for the mass dislocation of Tibetans to so-called "small wellbeing" (xiaokang) accommodation, where they are essentially concentrated into sedentary dwellings and dispossessed of their way of life and ability to make a living. In 2018, the Chinese authorities introduced yet another cover story for displacement, namely the "very high-altitude relocation" program. Targets of these policies are nomads, herders, farmers, and Tibetans living in rural areas of Tibet, causing further disenfranchisement. This also was raised at the UPR and the scale is clear. According to Chinese government media sources, indicating resettlement data beginning in 2001, at least 1.8 million nomads have been moved into sedentary houses under various Chinese government policies.<sup>14</sup> This is likely an extremely conservative



estimate.<sup>15</sup> In areas of relocation, displaced Tibetans have not received compensation or assurances of income or employment for the future.<sup>16</sup> The planning and implementation of Chinese policies aimed at protecting the environment or mitigating climate change respect neither the rights nor role of Tibetans. For example, Article 26 of the regulations on Nature Reserves<sup>17</sup> imposes a ban on grazing and the gathering of medicinal herbs but fails to specify processes for access to alternative grasslands for Tibetan nomads and herders. By 2022, the government of the TAR announced that half of its land area was designated as ecological protection zones.<sup>18</sup> This is part of a larger plan to displace 130,000 Tibetans by 2025 under the “very high-altitude relocation program.”<sup>19</sup> Importantly, while the Chinese government argues it achieved 100% voluntary relocation, independent research indicates consent was compelled by threats of government services withdrawal, “thought work,” closing local schools, sending children to schools in the resettlement sites and other punitive measures.<sup>20</sup> Pastoralists expressed alarm at losing connection to their land and their personal dignity and about securing new livelihoods. More than one-third of the 93 pastoralists interviewed for the above-referenced research expressed concerns about their ability to pay their share of the resettlement house cost.

#### **Coercive Labor and Displacement**

China’s forced relocation policies are also directly related to coercive labor programs. Recent research indicates that these programs entail military-style political indoctrination and training and “assignment” to workplaces, most likely not voluntarily, under unclear remuneration schemes. In 2019 and 2020, the TAR introduced the “2019-2020 Farmer and Pastoralist Training and Labor Transfer Action Plan,”<sup>21</sup> which includes measures for the “training” and “transfer” of “rural surplus laborers” to certain parts of the TAR and China.<sup>22</sup> According to independent research, China’s labor policy mandates that pastoralists and farmers be subjected to centralized military-style vocational training, which aims to reform “backward thinking” and includes training in “work discipline,” law and the Chinese language,<sup>23</sup> revealing a discriminatory perception and widespread social stigma toward Tibetans. On this topic, U.N. Special Rapporteur Tomoya Obokata issued a damning statement, indicating that the often coercive, or forced, work programs may “amount to contemporary forms of slavery, including excessive surveillance, abusive living and working conditions, restriction of movement through internment, threats, physical and/or sexual violence and other inhuman or degrading treatment, some instances may amount to enslavement as a crime against humanity, meriting a further independent analysis.”<sup>24</sup>

#### **Arbitrary Detention, Torture, and Ill-Treatment**

The following quote taken from the United States’ submission distills the PRC’s unmitigated dismissal of human rights and international law and reveals a callous disregard for actions that threaten the life and limb of individuals brave enough to express their religious beliefs or the slightest dissent. “What are China’s plans to cease human rights abuses, including unjust detentions, forced labor, harassment, and reprisals, against human rights defenders, journalists, members of civil society organizations, activists, lawyers, and their family members throughout the country, including in Xinjiang, Tibet, and Hong Kong – as called for by reports of the UN Secretary-General, the UN High Commissioner for Human Rights, Committee on the Elimination of Racial Discrimination, and the UN Working Group on Arbitrary Detention?” In 2022, the International Campaign for Tibet published a report analyzing information regarding 50 cases of known Tibetan environmental defenders persecuted by the Chinese government since 2008.<sup>25</sup> The report outlined a pattern adopted by the Chinese authorities according to which Tibetans who advocate for the protection of the environment and for social and development-related issues are subjected to harassment, torture, ill-treatment, and criminal persecution. Recent examples of this pattern of persecution abound. Anya Sengdra, the environmental activist who peacefully campaigned against alleged corruption, illegal mining activities, and the illegal hunting and poaching of endangered animals in Tibet was arrested and sentenced to seven years imprisonment. On Oct. 26, 2020, Go Sherab Gyatso, a Tibetan Buddhist

scholar, writer, and advocate for Tibet's religious and cultural traditions, was subjected to enforced disappearance and arbitrary detention. Over a year later, in November 2021, he was sentenced to 10 years in prison in a closed-door trial.<sup>26</sup> Other examples include the sentencing of six notable Tibetan writers and former political prisoners, Gangkye Drubpa Kyab, Tsering Dolma, Samdup, Gangbu Yudrum, Seynam and Pema Rinchen, to prison terms ranging from four to 14 years. Tibetan political prisoners like these are routinely tortured and mistreated, often resulting in their death not long after their release. On Feb. 6, 2021, Kunchok Jinpa, 51, died in a hospital in Lhasa less than three months after being released from prison. In January 2021, 19-year-old Tenzin Nyima died soon after being released from police custody. Authorities initially detained him two days after he and three other monks briefly distributed leaflets and shouted slogans calling for Tibetan independence. The protests occurred as local officials increasingly put pressure on forcibly resettled nomads and local residents to publicly praise the government's poverty alleviation program.<sup>27</sup> There also is grave concern about the imprisoned Tibetan businessman and philanthropist Dorjee Tashi, who underwent severe torture, revealed in testimony eventually made public. He is currently serving his prison term in the notorious TAR Prison No 1, colloquially known as Drapchi Prison, where Tibetan prisoners are known to be tortured during their incarceration. On Feb. 15, 2022, the popular Tibetan singer Tsewang Norbu (Chinese: Caiwang Luobu), described by *The Economist* as "the Chinese government's ideal minority youth,"<sup>28</sup> set himself on fire in front of the Potala Palace in Lhasa, most likely in protest against CCP policies in Tibet. He later died in the hospital from his injuries.<sup>29</sup>

#### **Environmental Sustainability and Environmental Defenders**

As we know, resource exploitation and environmental appropriation almost always overlay a thick blanket of oppression. Tibet does not escape this paradigm. The persecution the PRC implements in its policies of plunder are deeply intertwined with its environmental and so-called development projects. One of the most illustrative examples is water. China is water poor. In contrast, the Tibetan Plateau is the source of the entire region's major rivers; at least 1.5 billion people rely on it for food and economic development.<sup>30</sup> In this context, the PRC has erected numerous, massive damming projects and continues extensive plans for water diversion. Damming itself leads to a host of local and downstream environmental impacts, including sedimentation and biodiversity harm, as well as a growing body of science questioning the veracity of climate pollution benefits,<sup>31</sup> among others. It also should be noted that dam building routinely "necessitates" large-scale removal of people from traditional lands and communities in the path of these already harmful projects. Equally if not more disturbing, China's existing dam network and massive damming plans will only expand Beijing's extant ability to assert political hegemony based on its control of South and Southeast Asia's water tap. This fact is certainly not lost on the Chinese Communist Party. The United States addressed this dynamic head on, stating: "Development projects in Tibet that damage ecosystems and degrade natural resources and water security, and that result in the forcible relocation and resettlement of members of nomadic populations, affect these persons' economic, social, and cultural rights under ICESCR and protections against discrimination under CERD. Will China stop these destructive actions and ensure genuine inclusion and participation by local communities for sustainable development, including in UNESCO heritage areas?"

#### **Lack of Access to Tibet and Cooperation with UN Mechanisms**

Tibet is one of the least-accessible regions in the world for foreign visitors, including diplomats, journalists and independent observers.<sup>32</sup> Its complete isolation is part of the Chinese government's strategy to oppress the Tibetan people by denying international scrutiny of the CCP's violations of basic human rights. In many ways, this lack of transparency facilitates all other methods of persecution inflicted on the Tibetan people. Darkness hides the worst forms of atrocity, and China must be called to account. This central fact of Beijing's systematic oppressive policies and agenda to blind the international community through propaganda and silence thus took high profile at the UPR, with countries like Australia, Austria, Belgium, the Netherlands, and the United States emphasizing it.

For example, Australia asked “What is China doing to ... allow meaningful and unfettered access to Xinjiang and Tibet for independent human rights observers, including the UN High Commissioner for Human Rights and Special Procedures mandate holders?”

The TAR is the only region for which Chinese authorities require foreigners, including foreign media, to have special permission to enter. According to a report by the Foreign Correspondents’ Club of China, all three foreign journalists who applied for permission to enter the TAR in 2022 had their request rejected.<sup>33</sup> Mary Robinson was the last UN High Commissioner for Human Rights who was able to visit Tibet in September 1998.<sup>34</sup> The last UN special procedures’ mandate holder who was able to undertake an official fact-finding mission to Tibet was Manfred Nowak—then special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment—in 2005.<sup>35</sup>

China’s inconsistent Potemkin shows for foreigners provide no meaningful validation of China’s claims nor the actual reality on the ground. This fact alone should motivate the international community to continue to firmly press on the questions already submitted and call China to account for any refusal to prove its claims that the Tibetan people face no discrimination or persecution under its ironclad control.

#### Recommendations to the United States Government

- Use its voice and vote at the United Nations Human Rights Council proceedings to hold the Chinese government accountable for its severe and increasing human rights abuses inflicted on the Tibetan people.
- Continue to advocate for full, unfettered access to Tibet by an independent human rights review mechanism.
- Fully implement the Tibetan Policy and Support Act requirements to press the Chinese government to return to the negotiating table with Tibetan leadership, without preconditions, to find a mutually beneficial agreement to end the China-Tibet conflict, including building on the UPR to formulate international coalitions.
- Fully implement the Reciprocal Access to Tibet Act.
- Actively and directly counter the pervasive Chinese propaganda regarding the Tibetan people, their religion, culture, and His Holiness the Dalai Lama.
- Use all available tools, including sanctions, to hold the Chinese government accountable for its brutal occupation of Tibet.

<sup>1</sup> International Campaign for Tibet, *Tibetan monasteries face tighter control under new religious financial management measures*, 1 June 2022; <https://savetibet.org/tibetan-monasteries-face-tighter-control-under-new-religious-financial-management-measures/>.

<sup>2</sup> International Campaign for Tibet, *UN experts write to China on Panchen Lama, reincarnation rules*, 4 August 2020; <https://savetibet.org/wp-content/uploads/2020/08/08042020-UN.pdf>; Full text of communication from five UN experts (Special Procedures) to the Chinese government about the ongoing enforced disappearance of the Panchen Lama, 2 June 2020; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?pld=25294>.

<sup>3</sup> Buddhist Association of China, *Outline of the Five-Year work plan for adhering to the Sincicisation of Buddhism [2019-2023]*, 14 November 2019 [in Chinese]; <http://www.chinabuddhism.com.cn/e/action/ShowInfo.php?classid=506&id=40672>.

<sup>4</sup> China Tibet News, *Regulations on the establishment of a model area for ethnic unity and progress in the Tibet Autonomous Region*, 15 January 2020 [in Chinese]; [http://epaper.chinatibetnews.com/xzrb/202001/15/content\\_10887.html](http://epaper.chinatibetnews.com/xzrb/202001/15/content_10887.html); China Tibet News, *Regulations on the establishment of a model area for ethnic unity and progress in the Tibet Autonomous Region*, 15 January 2020 [in Chinese]; [http://epaper.chinatibetnews.com/xzrb/202001/15/content\\_10887.html](http://epaper.chinatibetnews.com/xzrb/202001/15/content_10887.html).

<sup>5</sup> International Campaign for Tibet, *Tibet’s importance seen at major meeting promising more repression*, 1 September 2020; <https://savetibet.org/tibets-importance-seen-at-major-meeting-promising-more-repression/>.

<sup>6</sup> Since 2009, at least 159 Tibetans have committed self-immolation to protest against Chinese repressive policies, the lack of fundamental freedoms and to ask for the return of the Dalai Lama to Tibet. See <https://savetibet.org/tibetan-self-immolations/>.

<sup>7</sup> Tibet Action Institute, *Separated from their families, hidden from the world - China’s Vast System of Colonial Boarding Schools Inside Tibet*, December 2021; [https://s7712.pcdn.co/wp-content/uploads/2022/01/2021\\_ColonialBoardingSchoolReport\\_Digital.pdf](https://s7712.pcdn.co/wp-content/uploads/2022/01/2021_ColonialBoardingSchoolReport_Digital.pdf).

<sup>8</sup> International Campaign for Tibet, *Tibetans sent to mainland Chinese schools under guise of “progress”*, 12 January 2021; <https://savetibet.org/tibetans-sent-to-mainland-chinese-schools-under-guise-of-progress/>.

<sup>9</sup> New York Times, *One Nation Under Xi: How China’s Leader Is Remaking Its Identity*, 11 October 2022; <https://www.nytimes.com/2022/10/11/world/asia/xi-jinping-china-nationhood.html>.

<sup>10</sup> Yang Bai, *Hybridity and Tibetan language education policies in Sichuan*, 28 J. of Rural Educ., 13 (2018).

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- <sup>15</sup> Human Rights Watch, “‘They Say We Should Be Grateful’ Mass Relocating and Relocation Programs in Tibetan Areas of China”, 4 June 2013; [https://www.hrw.org/sites/default/files/reports/tibet0613webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/tibet0613webwcover_0.pdf); CGTN
- <sup>16</sup> *Ibid.*
- <sup>17</sup> *Regulations of the People's Republic of China on nature reserves*, in FAOLEX, <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC011954/>
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- <sup>24</sup> UN Human Rights Council, A/HRC/51/26, “Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata”, p.8.
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Congressional-Executive Commission on China

Hearing  
on

The PRC's Universal Periodic Review and the Real State of Human Rights in China  
2360 Rayburn House Office Building  
Thursday, February 1, 2024 - 10:00am

Written Statement of Ethan Hee-Seok Shin  
Legal Analyst  
Transitional Justice Working Group (TJWG)

The issue of North Korean refugees in China's fourth Universal Periodic Review (UPR):

The continuing need to hold Beijing accountable for its decades-long aiding and abetting of North Korea's crimes against humanity, in particular by updating and passing without delay the North Korean Human Rights Reauthorization Act, in light of its 10/9 deportation

China's fourth Universal Periodic Review (UPR) on January 23, 2024 was an important occasion for the international community to raise the grave human rights violations committed by the Chinese government, especially those that occurred or came to light since November 2018. Not surprisingly, given the deteriorating state of human rights in China over the past five years, many countries posed questions and recommendations concerning Xinjiang, Tibet, Hong Kong, and China proper during the UPR. I would like to discuss another important perennial human rights issue that was raised at the UPR, the North Korean refugees in China whose mass deportation to North Korea on October 9, 2023 (10/9 deportation) triggered an international outcry and highlighted yet again China's decades-long aiding and abetting of North Korea's crimes against humanity. Four months prior, on June 13, the Congressional-Executive Commission on China (CECC), in anticipation of China's resumption of forced repatriation of North Koreans that had been stopped by North Korea's COVID-19 border closure since January 2020, held a hearing on the matter in which I was honored to give testimony.<sup>1</sup>

At the UPR on January 23, 2024, several recommendations were made concerning North Korean refugees in China and their forcible repatriation. Czechia made the most straightforward

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<sup>1</sup> North Korean Refugees and the Imminent Danger of Forced Repatriation from China (2360 Rayburn House Office Building Tuesday, June 13, 2023).  
<https://www.cecc.gov/events/hearings/north-korean-refugees-and-the-imminent-danger-of-forced-repatriation-from-china>

and robust recommendation to China to “Refrain from the forcible repatriation of North Korean refugees to the DPRK” echoing its previous recommendation during China’s second UPR on October 22, 2013 to “Protect North Korean refugees in accordance with international law, honouring the principle of non-refoulement.” South Korea (Republic of Korea) made three recommendations: “Provide adequate protection to escapees from [sic] foreign origin including the Democratic People’s Republic of Korea”; “Respect relevant international norms such as the principle of non-refoulement”; and “Consider adopting a national refugee law as part of its efforts to implement the 1951 Convention relating to the Status of Refugees.” While the latter two recommendations echoed the earlier ones from China’s second UPR, a direct reference to North Korean escapees, notwithstanding the use of the convoluted and grammatically problematic phrase “escapees from [sic] foreign origin including the Democratic People’s Republic of Korea” was unprecedented.

It is also noteworthy that South Korea submitted three written questions in advance to China: “Could China provide information on the asylum procedures that escapees from foreign origin including the Democratic People’s Republic of Korea have access to?”; “We would like to ask what measures China is taking to protect and support women escapees from foreign origin including the Democratic People’s Republic of Korea who are exposed to trafficking, forced marriage, and other forms of exploitation”; and “We would like to ask what measures China is taking to protect and support children born in China to women escapees from foreign origin including the Democratic People’s Republic of Korea who are categorized as ‘illegal immigrants’ according to the Chinese domestic law.”<sup>2</sup> This was the first time since North Korea’s first UPR on December 7, 2009 that South Korea submitted advance written questions in any country UPR.

I also note that Canada submitted an advance written question to China in which it expressed its concerns about China’s non-observance of the principle of non-refoulement in relation to North Korean refugees: “How is the Government adhering to the principle of non-refoulement set out in Article 3 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, particularly with regard to North Koreans?” The United Kingdom (“Cease the restriction of civil society and independent media, end forced repatriations, and stop targeting human rights defenders”), Uruguay (“Strengthen measures to guarantee the protection of asylum seekers and their non-refoulement”) and Afghanistan (“Observe the international principle of non-refoulement and provide protection to migrants and refugees”) also appeared to have touched upon the issue without naming North Korea.

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<sup>2</sup> Questions submitted in advance and Addendum,  
[https://uprmeetings.ohchr.org/Sessions/45/China/DL\\_UPRDocuments/Advance%20Questions%20-%20China.docx](https://uprmeetings.ohchr.org/Sessions/45/China/DL_UPRDocuments/Advance%20Questions%20-%20China.docx)

These UPR questions and recommendations clearly show that the North Korean refugees in China and their forced repatriation firmly remain an issue of international interest and concern—and rightly so. Ten years ago, the Commission of Inquiry on Human Rights in the DPRK (COI DPRK) wrote a letter to the Chinese government expressing “particular concern about Chinese officials providing specific information on such persons to DPRK authorities” and urging it “to caution relevant officials that such conduct could amount to the aiding and abetting of crimes against humanity where repatriations and information exchanges are specifically directed towards or have the purpose of facilitating the commission of crimes against humanity in the DPRK”.

The COI also recommended that China and other states “Respect the principle of non-refoulement. Accordingly, abstain from forcibly repatriating any persons to the Democratic People’s Republic of Korea, unless the treatment there, as verified by international human rights monitors, markedly improves. Extend asylum and other means of durable protection to persons fleeing the Democratic People’s Republic of Korea who need international protection. Ensure that such persons are fully integrated and duly protected from discrimination. Stop providing information on activities and contacts of persons from the Democratic People’s Republic of Korea living in China to the State Security Department and other security agencies in the Democratic People’s Republic of Korea. Allow persons from the Democratic People’s Republic of Korea free access to diplomatic and consular representations of any state that may be willing to extend nationality or other forms of protection to them.” There is no indication that the treatment of repatriated North Koreans has improved, markedly or otherwise and yet China continues with its forcible repatriation, in manifest violation of the principle of non-refoulement, as its 10/9 deportation demonstrates. We note that the hundreds of those sent back to North Korea in the 10/9 deportation included a family of South Korean prisoner of war (POW) from the Korean War, highlighting China’s well-recorded practice of deporting South Korean POWs and their families like other refugees.

Although the United States did not ask questions or make recommendations concerning the issue of North Korean refugees in this UPR, it has been at the forefront of raising it in the international arena, beginning with the passage of the North Korean Human Rights Act of 2004 twenty years ago. At the summit statement of April 26, 2023, the United States and South Korea pledged to “strengthen cooperation to promote human rights in the DPRK as well as to resolve the issues of abductions, detainees, and unrepatriated prisoners of war.”<sup>3</sup> This commitment was reiterated in the trilateral summit statement that included Japan (“[Japan, the ROK, and the

<sup>3</sup> Leaders’ Joint Statement in Commemoration of the 70th Anniversary of the Alliance between the United States of America and the Republic of Korea (April 26, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/26/leaders-joint-statement-in-commemoration-of-the-70th-anniversary-of-the-alliance-between-the-united-states-of-america-and-the-republic-of-korea/>

United States] and also committed to strengthening cooperation to promote respect for human rights in the DPRK and reaffirm a shared commitment to the immediate resolution of the issues of abductees, detainees, and unrepatriated prisoners of war.”<sup>4</sup>

There are currently two bipartisan bills to reauthorize the North Korean Human Rights Act pending before the Senate and House respectively. However, both these bills were introduced prior to China’s resumption of the deportation of North Korean refugees in the past few months.

I therefore respectfully ask that Members of Congress:

(1) become co-sponsors of the North Korean Human Rights Reauthorization Act of 2023 if they have not already;

(2) update the pending bills to condemn China’s resumption and continuation of forcible repatriation of North Korean refugees, most notably the 10/9 deportation of hundreds of North Korean refugees, including South Korean POWs and their families; and

(3) speedily pass the North Korean Human Rights Act of 2023, among other things, to reaffirm America’s commitment to promote respect for human rights in the DPRK and to resolve the issues of abductions, detainees, and unrepatriated prisoners of war

Thank you.

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<sup>4</sup> The Spirit of Camp David: Joint Statement of Japan, the Republic of Korea, and the United States (August 18, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/18/the-spirit-of-camp-david-joint-statement-of-japan-the-republic-of-korea-and-the-united-states/>



**The PRC's Universal Periodic Review and the Real State of Human Rights in China**

Written testimony

Ma Ju, Hui human rights advocate

February 1, 2024

Mr. Chairman, esteemed Commission members, thank you for convening this meeting and inviting me to present my testimony.

I am Ma Ju, representing myself, providing a report to the Commission on the systematic oppression faced by the Hui Muslim community in China.

Since the establishment of large-scale concentration camps in Xinjiang in 2017, targeting Uighurs and Muslim populations, the persecution of the Hui people across China has escalated.

Based on information disclosed in reports on Xinjiang concentration camps, Muslim groups, including the Hui, Dongxiang, and Sala, are also being detained and subjected to abuse. According to estimates from available data, the number of detained Hui people in Xinjiang concentration camps is not less than one hundred thousand (Report jointly submitted by CHRD and HUIF to the Committee on Economic, Social and Cultural Rights on January 15, 2023).

In the process of cultural and religious extermination, a systematic and planned action has been implemented throughout China. This includes the comprehensive prohibition of any form of religious activity in people's homes, such as Islamic marriage ceremonies, commemorating ancestors, reciting the Quran at home, and forbidding students, government officials, and employees of state-owned enterprises from participating in any religious activities. Moreover, the Chinese Communist Party conducts reeducation training for all religious personnel, selects trustworthy individuals loyal to the Communist Party to serve as imams in mosques, and prohibits anyone who does not express loyalty to the Communist Party from entering religious places. Simultaneously, the Chinese government arrests, suppresses, or imposes comprehensive censorship on any respected figures within the Hui Muslim community.

In this massive campaign of genocide and cultural and religious extermination, confirmed reports indicate that the Chinese government has leveled thousands of mosques across China or subjected them to reform campaigns under the slogan of Sinicizing Islam. They have used extreme and terrorizing methods to suppress anyone daring to resist (NPR: The Plan to Remove a Mosque's Domes in China Sparks Rare Protest), and more related reports. In the process of the demolition in May 2023 of the Najiaing Mosque in Yunnan, all Hui Muslim defenders who went to the mosque were detained. Those who provided me with videos, text information, and images by overcoming the firewall were comprehensively arrested through forceful eviction, secret nighttime arrests, and high-tech tracking. To this day, none of them have been released. In the subsequent demolition of the Shadian Mosque, the Chinese government took more aggressive and meticulous actions, arresting or kidnapping in advance

all possible resisters from Najaiyang, and used the experiences of those arrested in Najaiyang to intimidate everyone. Along with my continuous exposure of the Chinese government's atrocities in the international media, the Chinese government's repression against me has gradually strengthened. In July 2023, my uncle called me to announce that I had been expelled from the family and prohibited from smearing China and the Chinese government's good policies under the name of ethnicity or Ma. He warned me that being an enemy of the Chinese government would have no good results.

In the subsequent demolition process, Human Rights Watch and I collaborated with the Financial Times of London to release a report and news on the demolished mosques in China. The shocking data is staggering; one-third of the mosques in Ningxia have been closed or destroyed (Human Rights Watch Report on China: Mosques in Muslim areas closed, razed, and altered). In the recent stage, the main focus has been on the demolition of Hui Muslim cemeteries.

Even as I write this report, the Chinese Communist Party is carrying out transnational repression actions against anyone daring to challenge its policies of genocide, tracking, intimidating in person, and threatening family members through phone calls. None of these actions have been able to stop me from continuing to expose the Chinese government's atrocities. In December 2023, the Chinese government even filed a multi-million-dollar lawsuit against me in a U.S. court, based on fabricated facts, in what seems to be an attempt to consume my finances and energy, and ultimately to silence me. As the Chinese government is using every available weapon to ravage every resistor in the civilized world, I also invite members of Congress to get in touch with my lawyer, as we fear that U.S. state and federal court systems are not sufficiently aware of what the Chinese government is capable of in this regard.

In the past few decades, all cases have clearly and undoubtedly proven the clear purpose of the Chinese government: to completely destroy anyone or any group that does not believe in communism, whether you are a Christian or a Buddhist, a nature worshipper, or an advocate for democracy and freedom.

Thank you, Mr. Chairman, thank you to each Commission member and friends who care about freedom and human rights. Thank you for listening to the voice of the Hui people in China. May God bless America, bless freedom.

Related Links:

NPR Report: The Plan to Remove a Mosque's Domes in China Sparks Rare Protest  
<https://www.npr.org/2023/05/31/1179241485/the-plan-to-remove-a-mosques-domes-in-china-sparks-rare-protest>

Report submitted jointly by the Chinese Human Rights Defenders (CHRD) and Hope Umbrella International Foundation (HUIF) on January 15, 2023: CHRD and HUIF Joint Report  
<https://www.nchrd.org/2023/02/chrd-huif-eser-submission-january-15-2023/>

Emily Feng X (formerly Twitter) thread  
<https://x.com/EmilyZFeng/status/1664059557075898368?s=20>



**United States House of Representatives  
Congressional-Executive Commission on China**

**"Truth in Testimony" Disclosure Form**

*In accordance with Rule XI, clause 2(g) of the Rules of the House of Representatives, witnesses are asked to disclose the following information. Please complete this form and attach it to your written testimony and it may be made publicly available in electronic format.*

1. Date of Hearing:
2. Hearing Title:
3. Your Name:
4. Organization, organizations, or government entity you are representing:
5. Position title:
6. Are you an active registrant under the Foreign Agents Registration Act (FARA)?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

**False Statement Certification:**

Knowingly providing material false information to this commission, or knowingly concealing material information from this commission, is a crime (18 U.S.C. 1001). This form may be made part of the hearing record.

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**Witness Signature**

**Date**

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*Witness Biographies*

**Dr. Rana Siu Inboden, Senior Fellow, Robert S. Strauss Center for International Security and Law at the University of Texas at Austin**

Dr. Inboden is a senior fellow with the Robert S. Strauss Center for International Security and Law at The University of Texas at Austin. She serves as a consultant on human rights, democracy, and rule of law projects in Asia for a number of NGO's and conducts research related to international human rights, Chinese foreign policy, the effectiveness of international human rights and democracy projects and authoritarian collaboration in the United Nations. Her book, *China and the International Human Rights Regime*, examines China's role in the international human rights regime between 1982 and 2017. Dr. Inboden has served at the U.S. State Department's Bureau of Democracy, Human Rights and Labor, where her primary responsibilities included managing the State Department's Human Rights and Democracy Fund China program and promoting U.S. human rights and democracy policy in China and North Korea. She also served at the U.S. Consulate in Shanghai, in the Office of Chinese and Mongolian Affairs, and in the Bureau of Intelligence and Research. Dr. Inboden holds a DPhil from the Department of Politics and International Relations at Oxford University. She obtained an MA at Stanford University in East Asian Studies and a BS at the School of Foreign Service at Georgetown University.

**Benedict Rogers, Co-founder and Chief Executive, Hong Kong Watch**

At Hong Kong Watch, Mr. Rogers monitors and reports on the PRC's violations of human rights, basic freedoms, and the rule of law in Hong Kong, and is an advocate for actions to assist Hong Kongers. Mr. Rogers has deep expertise in religious freedom issues in China and Hong Kong. In November 2023, he spearheaded Hong Kong Watch's report entitled "‘Sell Out My Soul’: The Impending Threats to Freedom of Religion or Belief in Hong Kong." Mr. Rogers previously worked as East Asia Team Leader at the international human rights organization Christian Solidarity Worldwide. He is the author of five books, including *Burma: A Nation at the Crossroads* and *Than Shwe: Unmasking Burma's Tyrant*. He is a regular contributor to international media, including *The Wall Street Journal*, *The International Herald Tribune* and *The Huffington Post*, and has appeared as a commentator on *BBC*, *CNN*, *Sky*, and *al Jazeera*. Ben has an MA in China Studies from the School of Oriental and African Studies (SOAS), and a BA in Modern History and Politics from Royal Holloway College, University of London.

**Sophie Luo, wife of imprisoned human rights lawyer Ding Jiaxi**

Ms. Luo is a highly trained engineer, based in the United States since 2013, who has emerged as a powerful voice in the Chinese human rights community following the December 2019 detention of her husband, the human rights lawyer and China Citizens Movement organizer Ding Jiaxi. During her first testimony at a CECC hearing, in February 2022, which was timed to coincide with the Winter Olympic Games in Beijing, she explained Ding Jiaxi's trajectory as a proponent of human rights in China, his detention and that of his co-defendant Xu Zhiyong, and other related cases of political detention. She subsequently gave testimony in April 2023 for the House Foreign Affairs Subcommittee on Global Health, Global Human Rights and International Organizations, only a week after Chinese authorities sentenced Xu Zhiyong and Ding Jiaxi to 14 and 12 years in prison, respectively. Ms. Luo's ability to articulate with both passion and precision the maltreatment experienced by Chinese political prisoners and their family members is an important resource to Members of Congress, journalists, and international human rights advocates.

**Dr. Emile Dirks, Research Associate at the Citizen Lab at the Munk School of Global Affairs & Public Policy, University of Toronto**

Dr. Dirks's research explores the policing of so-called "target populations," deemed by the PRC Ministry of Public Security as threats to social stability, and who include users of drugs, religious practitioners, petitioners, and people with criminal records. He is currently looking at the use of digital censorship and surveillance in contemporary China and Chinese state transnational repression and foreign interference. His previous research on police-led mass biometric surveillance in China has been covered by the *New York Times*, the *Economist*, and *The Intercept*, among other publications. He gave testimony for the CECC in September 2022 on the issue of PRC authorities' use of digital authoritarianism to target and control religious groups. Dr. Dirks completed his PhD in Political Science from the University of Toronto in 2022.

**Rushan Abbas, Founder & Executive Director, Campaign for Uyghurs**

Rushan Abbas, a Uyghur American activist, has dedicated her life to championing the rights of the Uyghur people. Beginning her advocacy during her time at Xinjiang University, she led pro-democracy protests in 1985 and 1988. After relocating to the United States in 1989, her commitment to the cause only grew stronger. Co-founding the Uyghur Overseas Student and Scholars Association in 1993, she played a pivotal role in establishing the Uyghur American Association in 1998 and was elected as its Vice President for two terms. In response to Beijing's escalating genocidal actions against Uyghurs in 2017, Abbas co-founded the Campaign for Uyghurs (CFU). This organization advocates for Uyghur human rights and democratic freedoms, rallying the international community against the atrocities in East Turkistan. She pioneered the "One Voice One Step" movement, orchestrating a global protest on

March 15, 2018, across 14 countries and 18 cities against China's mass Uyghur detentions.

Following her first speech, in September 2018, her sister was abducted as retaliation for Rushan's activism. In 2020, CFU released the report "Genocide in East Turkistan," meticulously detailing how China's actions align with the Genocide Convention. Notably, CFU received a Nobel Peace Prize nomination in February 2022 for its relentless advocacy. Rushan Abbas engages with global lawmakers, briefing them on East Turkistan's human rights crisis. Testifying before the U.S. Senate and Congress multiple times, she sheds light on the Chinese regime's genocide and crimes against humanity. Rushan currently serves as a lived experienced expert on the Interparliamentary Taskforce on Human Trafficking and as the Advisory Board Chair of the Axel Springer Freedom Foundation.

