

China

The new national security law in Hong Kong and its potential impact on freedom of religion or belief

Introduction

On 30 June 2020, a new national security law came into effect in Hong Kong, shortly after being passed by the National People's Congress Standing Committee, China's highest legislative body. The law prohibits secession, subversion, terrorism and 'collusion with a foreign country or with external elements to endanger national security', and was met with fierce opposition from activists, residents, legal experts and democratic governments around the world, who believe the law is a serious threat to human rights and fundamental freedoms.

Concerns stem not only from these broad prohibitions but also articles which state that the new security law overrides local Hong Kong laws if there are inconsistencies (Article 62). Significantly, Article 65 states that power to interpret the law lies with the National People's Congress Standing Committee, not local Hong Kong courts. Additionally, Article 48 provides for the establishment of a national security office by the central government to assist with processing national security cases. The law gives the central Chinese government new levels of power over Hong Kong in the area of 'national security'.

UK Prime Minister Boris Johnson has denounced the imposition of the security law as a 'clear and serious' violation of the 1984 Sino-British Joint Declaration. In addition, the UK was among 27 countries which supported a joint statement stating that: 'Making such a law without the direct participation of Hong Kong's people, legislature or judiciary of Hong Kong undermines "One Country, Two Systems"'.

A [statement](#) signed by 50 United Nations (UN) Independent Experts, issued on 26 June, stated that the law, which at that point had not been passed, would 'violate China's international legal obligations and impose severe restrictions on civil and political rights in the autonomous region...undermine the right to a fair trial and presage a sharp rise in arbitrary detention and

prosecution of peaceful human rights defenders at the behest of Chinese authorities.'¹ The experts urged the government to withdraw the draft national security law for Hong Kong.

The United States Commission on International Religious Freedom (USCIRF) has also expressed concern about the effect that the law will have on freedom of religion or belief (FoRB) in Hong Kong. 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.'² The statement also cites fears from religious leaders in the city, and notes that the head of China's Hong Kong office, Xia Baolong, previously oversaw a [crackdown](#) against churches in Zhejiang Province (see below)

Freedom of religion or belief in the

Mainland

The rapid deterioration of freedom of religion or belief in Mainland China is well-documented.³ All aspects of religious life are tightly controlled: all religious organisations must register with the government, and religious activities are closely monitored and 'managed' by the authorities. Control over religious groups has increased under a 'sinicisation' campaign requiring religions to adapt to 'socialist society'. CSW's sources believe the intent behind 'sinicisation' is to eradicate independent religion and bring all religious activities under state control. The government is also reportedly creating a revised version of the Bible to establish a 'correct understanding' of scripture.

While it is not yet clear how the new national security law will be interpreted and implemented in Hong Kong, and how it might impact freedom of religion or belief, the criminalisation of 'subversion' and 'foreign collusion' is deeply concerning in light of how such terms are applied by the central government. In Mainland China, religious leaders and lawyers who defend freedom of religion or

1 United Nations office of the High Commissioner for Human Rights, 'UN experts call for decisive measures to protect fundamental freedoms in China', 26 June 2020 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006

2 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 www.uscifr.gov/news-room/press-releases-statements/uscifr-expresses-concern-about-national-security-legislation-s

3 CSW, 'Repressed, Removed, Re-Educated: The stranglehold on religious life in China', 2020 www.csw.org.uk/2020-china-report

belief have been charged under similar terms, including Protestant pastor Wang Yi, who was [sentenced](#) to nine years in prison following his conviction on charges of 'inciting to subvert state power' and 'illegal business operations'.⁴

Human rights lawyers who represent religious communities or attempt to speak out about freedom of religion or belief violations are also subject to harassment, arbitrary detention and torture, and some have been sentenced to lengthy jail terms for 'subversion' and other 'national security' crimes.

Human rights lawyer Wang Quanzhang was [sentenced](#) to four and a half years in prison on charges of 'subversion of state power' after over three years in incommunicado detention.⁵ Before his detention Wang defended victims of human rights violations, including Falun Gong practitioners. Lawyer Zhang Kai, who was detained in 2015, took on numerous cases defending unregistered 'house' churches and was also involved in responding to the authorities' cross removal campaign in Zhejiang Province. It is deeply concerning that the official who presided over the cross removal campaign as former Zhejiang party secretary, Xia Baolong, has been appointed director of the Hong Kong and Macau Affairs Office.

In addition, 'national security' and related broad terms have long been used as a pretext for heavy restrictions on ethnic and religious minorities such as Uyghur Muslims and Tibetan Buddhists. As UK-based The Rights Practice observes, 'national security is an elastic concept in China.'⁶ In recent years, human rights experts have repeatedly raised concerns about 'national security' being used to justify the curtailing of civil and political rights. On 7 July 2015, the UN High Commissioner for Human Rights [expressed](#) concern about the human rights implications of the national security law adopted on 1 July 2015, saying the law's 'extraordinarily broad scope' and vague terminology left 'the door wide open to further restrictions of the rights and freedoms of Chinese citizens, and to even tighter control of civil society' by the government.⁷

In Xinjiang Uyghur Autonomous Region (XUAR; also referred to by many Uyghurs as East Turkestan), 'security' and 'fighting extremism' have been used by authorities to justify the widespread arbitrary [detention](#) of over one million Uyghurs, Kazakhs and members of other

predominantly Muslim ethnic groups in so-called re-education camps.⁸ Detainees are subject to beatings, sleep deprivation, forced medication and solitary confinement. There are reports of sexual violence and forced sterilisation of women. Some individuals have been detained directly in connection with their peaceful religious activities; witnesses also report that inside the camps detainees are required to renounce Islam and promise not to follow religion.

Authorities also point to national security as justification for restrictions on the basic freedoms of Tibetan Buddhists. Well-documented and ongoing FoRB violations against Tibetan communities characterise what [USCIRF](#) describes as a 'strategy of antagonism and hostility toward Tibetan Buddhists and the Dalai Lama'.⁹ Rights groups say the Chinese Communist Party (CCP) conflates 'extremism' and even terrorism with religious belief and accuses the Dalai Lama of 'inciting separatism'. FoRB violations include intrusive military surveillance of monasteries and religious occasions such as important prayer days.

As illustrated in the examples above, in many cases charges against religious leaders and FoRB defenders targeted by the government do not mention religion or belief at all; increasingly, such individuals are accused of crimes against the state. In some of the most serious cases, however, the charges are completely unknown. CSW remains deeply concerned about the whereabouts and wellbeing of Catholic bishop James Su Zhimin, who was detained over two decades ago in Hebei. Prior to this occasion, he had been arrested at least five times and spent nearly 27 years in prison. Gao Zhisheng, a human rights lawyer who was first detained by the Chinese authorities in 2006, is also missing. As a lawyer, Gao is known for defending religious minorities. From 2011-2014 he served a prison sentence, during which time he was brutally tortured. He was released in August 2014, only to disappear again three years later. He is believed to be in some form of detention.

4 CSW, 'Pastor Wang Yi Sentenced to nine years in prison', 30 December 2019 www.csw.org.uk/2019/12/30/press/4507/article.htm

5 CSW, 'Human rights lawyer sentenced to four and a half years in prison', 29 January 2019 www.csw.org.uk/2019/01/29/press/4215/article.htm

6 The Rights Practice, 'Hong Kong and National Security Legislation: Implications for human rights and civil society', 18 June 2020, p.3 www.rights-practice.org/Handlers/Download.ashx?IDMF=09dffde9-c1c5-4856-8cd9-9bcf0ece8de5

7 Reuters, 'New Chinese security law opens door to tighter restrictions: U.N.', 7 July 2015 www.reuters.com/article/us-china-rights-idUSKCNOPH1HM20150707

8 CSW, 'Repressed, Removed, Re-Educated: The stranglehold on religious life in China', 2020 www.csw.org.uk/2020-china-report

9 United States Commission on International Religious Freedom, 'Annual Report 2018: China', accessed July 2020 www.uscifr.gov/sites/default/files/Tier1_CHINA.pdf

Significance for religion or belief

communities in Hong Kong

It is unclear how and to what degree the new national security law will impact religious communities in Hong Kong. The law does not directly take aim at religious activities, and even states that human rights and freedoms shall be protected (Article 4). However, despite this provision, we are already witnessing the impact of the law on human rights, including the rights to freedom of expression and association. As Burma's Cardinal Charles Maung Bo, the president of the Federation of Asian Bishops' Conferences, has pointed out: 'We have learned from heavy experience that wherever freedom as a whole is undermined, freedom of religion or belief – sooner or later – is affected.'¹⁰

Some of the guidance on the law appears to contradict itself: in a Q&A [factsheet](#) on the law by the Global Times,¹¹ the Vice-President of the Chinese Association of Hong Kong and Macau Studies says that 'criticism' of the central government by Hong Kong residents is 'not a problem', but followed this by saying that if persons decide to 'throw mud on the central government and its leaders' then 'there will obviously be problems'.¹² These kinds of answers are vague enough to be worrying in themselves: if individuals do not know where the 'red lines' are, this is likely to create an atmosphere of fear and self-censorship. An analysis by The Rights Practice concludes, 'We should not fool ourselves that the impact of such laws will only be experienced by those intent on undermining China's national security. The biggest risk from the new law may lie not in its specific measures or how it is implemented, but in the chill, even fear, it could engender in Hong Kong.'¹³

One aspect of the law which may be of particular concern to religious communities, as well as non-governmental organisations, think tanks and academic institutions, is Part 4 on Collusion with a Foreign Country or with External Elements to Endanger National Security. This includes prohibitions on requesting or conspiring with foreign organisations or individuals to 'seriously [disrupt] the formulation and implementation of laws or policies by the Government of the Hong Kong Special Administrative Region or by the Central

People's Government, which is likely to cause serious consequences' (Article 26).

This raises serious questions about connections with foreign groups. If, for example, a Hong Kong pastor spoke at a prayer meeting in Australia about the case of Pastor Wang Yi, could this be considered 'conspiring' with a foreign organisation to disrupt the implementation of China's policy on religion? If Falun Gong practitioners from Hong Kong attend a conference in Canada on religious freedom, will they face arrest on their return? It is not clear how the law will be applied; nevertheless, the inclusion of 'foreign collusions' already suggests increased scrutiny of foreign connections.

All of these articles raise questions about the future of Hong Kong and the role it has played as a place of openness and connectivity, with respect for human rights, including the right to freedom of religion or belief. Before the law was passed, Cardinal John Tong Hon, the apostolic administrator of the Catholic Diocese of Hong Kong, said that he believed the law would have no effect on religious freedom, 'because Article 32 of the Basic Law guarantees that we have freedom of religion, and we can also openly preach and hold religious ceremonies, and participate in religious activities.' The Anglican Archbishop of Hong Kong, Paul Kwong, who is also a local delegate to the Chinese People's Political Consultative Conference, China's foremost advisory body, has also welcomed the law, which he believes 'does not undermine any freedom of Hong Kong, in particular the freedom of religion.'¹⁴

However, other religious leaders and community members have expressed serious fears about the impact of the law on freedom of religion or belief in Hong Kong. In contrast to Cardinal Tong's views, Cardinal Joseph Zen, the bishop emeritus of Hong Kong, has voiced his opposition to the law. In videos on [Facebook](#), Cardinal Zen described government interference in and restrictions on Catholic churches and clergy in the Mainland.¹⁵ Cardinal Zen also said he was prepared to be arrested. [UCANews](#) has reported that the Peace and Justice Commission of Hong Kong Diocese also joined with 85 other human rights and social justice groups in an open letter demanding that the law not be passed.¹⁶

As mentioned above, there is likely to be increased scrutiny of foreign connections in the future. This may

10 UCANews, 'Cardinal Bo: Let us pray for Hong Kong', 3 July 2020 www.ucanews.com/news/cardinal-bo-let-us-pray-for-hong-kong/88640

11 The *Global Times* is owned and published by the CCP's *People's Daily*.

12 Twitter, Global Times @GlobalTimesNews, 2 July 2020 <https://twitter.com/globaltimesnews/status/1278637107586555905>

13 The Rights Practice, 'Hong Kong and National Security Legislation: Implications for human rights and civil society', 18 June 2020, p.1 www.rights-practice.org/Handlers/Download.ashx?IDMF=09dffde9-c1c5-4856-8cd9-9bcf0ece8de5

14 Church Times, 'Hong Kong Archbishop welcomes new security law', 9 July 2020 www.churchtimes.co.uk/articles/2020/10-july/news/world/hong-kong-archbishop-welcomes-new-security-law

15 Facebook, Joseph Zen, accessed 14 July 2020 www.facebook.com/cardzen/

16 UCANews, 'Hong Kong Diocese split as Beijing passes security law', 30 June 2020 www.ucanews.com/news/hong-kong-diocese-split-as-beijing-passes-security-law/88602

be of particular relevance for Catholic leaders in what is already a potentially significant year for Beijing-Vatican relations. The 2018 provisional agreement on the appointment of bishops between the Holy See and the People's Republic of China will expire in September. Supporters of the agreement hoped it would bring greater unity among Catholics within China and internationally. However, in the two years since the agreement violations against Catholics have not abated. The agreement has not been made public but appears to refer to affairs in the Mainland only, not Hong Kong. At the time of writing, there has been no official comment from the Vatican on the national security law or whether any new agreement will make reference to church affairs in Hong Kong as well, including the appointment of the next bishop of Hong Kong.

On 31 May a group of Christian pastors and churchgoers in Hong Kong issued a [statement](#) expressing their opposition to the law, stating that the decision further deprives Hong Kong of freedom and human rights:

*'We express extreme outrage towards such decision...At a time where "darkness covers the earth and thick darkness is over the peoples", we fearlessly and solemnly declare the following confession and promise to our society, including our full embrace of the Gospel of the Kingdom, our sincere repentance towards the Church's shortcomings, our absolute refusal to authoritarian government, and our determination to walk together with Hong Kong society.'*¹⁷

Falun Gong practitioners also [expressed](#) fears that the law will be 'the end of freedom of speech and freedom of belief in Hong Kong' (these comments were also made before the law was passed):

'Currently, the Hong Kong Falun Dafa Association is a legally registered organization in Hong Kong. However, in China, Falun Gong has been vilified by the Chinese Communist Party (CCP)...If the Hong Kong version of the National Security Law is implemented, it will undoubtedly act like a sharp knife hanging over the Hong Kong Falun Dafa Association and the heads of every Falun Gong practitioner in Hong Kong. We are afraid that Falun Gong practitioners will no longer be able to freely practice their faith in Hong Kong and could be arrested and persecuted for groundless claims at any time. For example, currently, Falun Gong practitioners take part in activities exposing the CCP's crimes and encourage Chinese people to

*renounce the CCP and its affiliated organizations (Tuidang). These activities can all be considered "subversion of state power" under the so-called National Security Law. Falun Gong practitioners could be sentenced to prison for activities that they are now able to freely partake in on a daily basis.'*¹⁸

The impact beyond Hong Kong

The CCP's long reach beyond the borders of Mainland China has already received substantial attention. The state-linked intimidation and harassment of Uyghur, Tibetan, Falun Gong and other activists and groups overseas has been documented by members of the Canadian Coalition on Human Rights in China¹⁹ and the Uyghur Human Rights Project,²⁰ among others. This campaign of harassment is not limited to activists and NGOs: Chinese students are also under pressure from 'student groups' linked to the Party and embassies to remain silent on human rights issues or even to come out in support of government policy. This can be hugely stressful for students who face the possibility of losing out on employment or educational opportunities if they return to China; in the most serious cases criticism of the CCP risks putting their families in danger. Even before the new law was introduced in Hong Kong, activists overseas supporting pro-democracy protests in Hong Kong were subject to harassment and threats. The new National Security Law has codified a previously de facto prohibition against 'interfering in, disrupting, or undermining the performance of duties and functions' by Chinese and Hong Kong authorities (Article 22), or helping others to do so (Article 23).

Incredibly, this applies not only to acts committed in Hong Kong either by residents or foreigners, but also acts by anyone outside the region (Article 38). This means that foreigners, including politicians, academics and religious leaders, who wish to access Hong Kong must carefully consider whether their words and actions with regards to Hong Kong and the Chinese government could be construed as violating the new law. This may lead to self-censorship by those wishing to or needing to travel to Hong Kong, and by groups and individuals who have connections with people and organisations in the city, including religion or belief communities. The UK, US, Canada and Australia have already suspended their extradition arrangements with Hong Kong following

17 Statement by Hong Kong Christians in Response to National Security Law, 31 May 2020 https://docs.google.com/forms/d/e/1FAIpQLSeX0q6_eOfvC99Pz_EJXemTUIZKdYzwEceTUZJm8qCqGa1h2g/viewform?fbclid=IwAR1F5OFVRxxD3xbJTcQ-aZzFu5Usgg5t1-LUI2v-s4qzI3yzG3MzTdApJA8

18 Falun Info, 'Hong Kong Falun Dafa Association Deeply Concerned about the New National Security Law', 12 June 2020 https://faluninfo.net/hong-kong-falun-dafa-association-deeply-concerned-about-the-new-national-security-law/?utm_source=News&utm_campaign=7361671ce1-EMAIL_CAMPAIGN_2019_07_23_01_59_COPY_01&utm_medium=email&utm_term=0_480b7a73c3-7361671ce1-355254402

19 Canadian Coalition on Human Rights in China & Amnesty International Canada, 'Harassment & Intimidation of Individuals in Canada Working on China-related Human Rights Concerns: An Update as of March 2020' <https://amnesty.ca/sites/default/files/Canadian%20Coalition%20on%20Human%20Rights%20in%20China%20-%20Harassment%20Report%20Update%20-%20Final%20Version.pdf>

20 Uyghur Human Rights Project <https://uhrp.org/>

the introduction of the law. The new legislation also raises questions about online activities including online religious services which may focus on religious worship but include, for example, prayer for the persecuted Church. The provisions of the law are broad enough to leave everyone wondering exactly where the 'red lines' might be, leading to a 'chilling effect' on civil society which could well include religion or belief communities.

Recommendations to the international community

- UN member states and governments should at every possible opportunity, in public and in private, urge the Chinese government and Hong Kong authorities to respect, protect and promote the right to freedom of religion or belief (FoRB) for all people in Hong Kong.
- At every possible opportunity, in public and in private, call for the new national security law to be revoked.
- Call on the Chinese and Hong Kong authorities to ensure that all legislation pertaining to national security is in line with international human rights law and standards, including the provisions of the International Covenant on Civil and Political Rights, and upholds the rights and freedom secured in the Basic Law.
- Investigate and monitor cases of human rights abuses including violations of the right to FoRB in Hong Kong.
- Consider sanctions against policymakers responsible for gross human rights violations, and policies and laws which facilitate or constitute such violations.
- Countries which have not already done so should consider suspending extradition treaties with Hong Kong.
- Overseas religious communities and faith-based organisations who partner with groups in Hong Kong should listen to their partners' concerns, talk through the possible impact on their partnership, and where necessary put in place a plan of support.

CSW everyone
free to believe

CSW is a human rights organisation advocating for freedom of religion or belief, and as Christians we stand with everyone facing injustice because of their religion or belief.

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