



HUMAN RIGHTS REPORT

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ABOUT HUMAN RIGHTS DEFENDERS IN CHINA AND HONG KONG

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Summary

Defending human rights requires courage, passion, and dedication, but extra effort is required when it must be done in an autocratic state. Human rights defenders who work tirelessly to uphold, promote, and protect human rights in the People's Republic of China (hereafter China) are troubled by the current political system of China. Although the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (hereafter the Declaration on human rights defenders or the Declaration) provides various protections for human rights defenders. There are reports of disappearances, physical violence, illegal detention, criminal prosecutions, discrimination, and restrictions against human rights defenders in mainland China, Hong Kong, Xinjiang, and Tibet. Therefore, the main purpose of this report is to assess the role and challenges of human rights defenders in China and the possibilities and challenges with the Declaration on human rights defenders.

Both primary and secondary data collection methods are used to collect data for the report. Based on primary data collected from eight interviews, international human rights laws, official reports, and data conducted by international governmental and non-governmental organizations, the report examines and assesses the human rights situation and the role of human rights defenders in promoting and protecting human rights in China; the opportunities and challenges of implementing international legal standards in China as recognized by the Declaration on human rights defenders; and the extent to which China's domestic laws, such as China's Criminal Law and Hong Kong's National Security Law (NSL) are abused to violate the rights of human rights defenders. Based on the assessment and analysis of data obtained from various sources, the report finds that: the situation of human rights defenders in China is complex, and China's legal structure makes it hard for the people to express their voices and opinions; the human rights violations and the crackdowns on human rights defenders in China and Hong Kong are systematic and organized; and the need of taking urgent measures to reduce human rights violations and attacks against human rights defenders.

After analyzing the findings and investigating the serious human rights violations and attacks against human rights defenders in China, the report provides clear and pertinent recommendations to improve the deteriorating situation of human rights defenders by urging international governmental and non-governmental organizations to take practical and effective measures.

Introduction

This report aims to investigate the situation of human rights defenders in China and the possibilities and challenges with the Declaration on human rights defenders.

Focusing on human rights defenders in China is essential because they are at the forefront of the struggle to protect and promote human rights in the country. By highlighting their work, we can raise recognition of the human rights situation in China and support them in their struggle for greater rights and freedoms. They are powerful examples of how individuals can successfully challenge repressive regimes and promote positive change. Investigating the human rights defender's situation in China is crucial since it helps to shed light on the Chinese government's ongoing violation of human rights, including the persecution and silencing of those who speak out against the government's policies. This report can also inform public opinion so more courses of action can be found for addressing these violations in a meaningful way.

The background information is based on reports from NGOs like Human Rights Watch and a special rapporteur on human rights defenders from OHCHR. The analysis is conducted with interviews and legal frameworks like the Declaration on human rights defenders as primary sources.

Methodology

This report mainly aims to evaluate the effectiveness and implementation of the Declaration on human rights defenders in China, the role of human rights defenders in promoting and protecting human rights in China, and the challenges they face. To evaluate these issues, a qualitative research methodology was employed in the report. Qualitative research methods can be used to perform a legal analysis of specific facts, but in human rights research, they can be used to study and describe the impact of laws and treaties, as well as to examine the influence of right holders and duty bearers on the occurrence of certain phenomena.¹ It also provides an opportunity to gain a better understanding of people's real human rights experiences.² Thus,

¹ Smith, R., and Smith, L., 'Qualitative Methods', in L. McConnell and R. Smith (eds.), *Research Methods in Human Rights*, Abingdon, Routledge, 2018, p.71.

² Smith and Smith, 'Qualitative Methods', p.92.

since the primary objective of the report is to investigate and assess the current situation of human rights defenders in China, qualitative research methods are the preferred method for conducting the report.

To conduct the report, information was gathered using both primary and secondary sources of data collection methods. Primary sources of information include interviews, international, regional, and national human rights laws, and documents, as well as official reports of intergovernmental organizations, United Nations agencies, and national and international non-governmental organizations. We conducted semi-structured interviews with eight Informants; these are selected based on a purposive selection method from the existing population of Informants based on their expert skills and/or personal experience with the theme of the report. Besides collecting various information at a manageable cost within a limited time frame, the semi-structured interview method helped us "to explore on tangents and delve into related issues as well as focusing on the principal topic".³ Six of the interviews were conducted face-to-face, while two of them were done with Zoom and Telegram. In addition to primary sources of information, we also gathered information from secondary sources such as books, journals, magazines, newspapers, thesis, newsletters, documentaries, internet/websites sources, etc.

Ethical Considerations

Qualitative research methods offer a deeper understanding of people's lived experiences related to human rights and capturing the first-hand experiences of these people allows researchers to better understand the actual situation.⁴ Qualitative research methods require ethical considerations mainly to protect the interviewees from the double suffering of their previous trauma and to protect their identity, and it is equally important to be aware of the introduced biases during the research process as well.⁵ Before conducting all interviews, we obtained informed consent from all interviewed respondents explaining the purpose and future use of the interviews. The interviewees are scholars, journalists, authors, opinion leaders, and activists with extensive knowledge and experience in the human rights situation in China. For various reasons ensuring the secrecy of interviewees is very important. To do so, in this report, the

³ Smith and Smith, 'Qualitative Methods', p.74.

⁴ Smith and Smith, 'Qualitative Methods', p.92.

⁵ Smith and Smith, 'Qualitative Methods', p.93.

names of all the interviewees are represented using code names in the analysis of interviews for instance "Informant 1, 2, 3..."

Background

Human rights defenders are individuals or groups of individuals who work peacefully to advance or defend human rights.⁶ As a result of simply exercising their right to freedom of expression and other human rights, human rights defenders in China have reported experiencing harassment and intimidation, unfair trials, arbitrary detention without charge or trial, torture, and other forms of ill-treatment. Against Muslims living in Xinjiang, the government persisted in a campaign of political indoctrination, arbitrary mass incarceration, torture, and forced cultural assimilation. Since the creation of the Special Administrative Region, human rights violations had never been so easily sanctioned as they were under Hong Kong's National Security Law.⁷

Chinese authorities intensified domestic and international repression under President Xi Jinping in 2021. As a result of the government's "zero tolerance" approach to Covid-19, strict regulations were imposed to protect the public's health. There is now widespread manipulation of information by Beijing: it censors, punishes opposition, spreads misinformation, and restricts internet companies further. The Chinese government also pushed for more traditional values, which left less room for topics like women's rights and lesbian, homosexual, bisexual, and transgender (LGBT) rights, which were previously seen as less delicate. In July, the court sentenced Sun Dawu, an agricultural tycoon who supports human rights activists, to 18 years in prison for undefined offenses.⁸

⁶ United Nations, 'About Human Rights Defenders', <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/about-human-rights-defenders>, (Accessed 12 December 2022).

⁷ Amnesty International, 'China 2021', <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/china/report-china>, (Accessed 13 December 2022).

⁸ Human Rights Watch, 'China: Events of 2021', <https://www.hrw.org/world-report/2022/country-chapters/china-and-tibet>, (Accessed 19 December 2022).

China

Chinese culture is one of the oldest that is still present in the modern world, although its exact age is difficult to determine. It makes up around one-fourth of the Earth's surface area and takes up roughly the whole East Asian landmass. There are 33 administrative units directly under the central government in China, including 22 provinces, 5 autonomous regions, 4 municipalities (Chongqing, Beijing, Shanghai, and Tianjin), and 2 special administrative regions (Hong Kong and Macau). Since 1949, Taiwan has had a separate administration from the rest of the country.⁹ Taiwan's political status remains highly contested and controversial, escalating tensions between Mainland China and the island.¹⁰

Beijing (Peking), as the People's Republic's capital, plays an important role in the country's culture, economy, and communication. Hong Kong is the leading commercial and shipping center, whereas Shanghai is the main industrial city. China has been relatively isolated from the outside world, but Chinese culture has still developed and becomes more refined over the centuries. The isolation had also left China ill-equipped to deal with the changing world when starting in the middle of the 19th century, it was confronted by technologically advanced foreign nations. Following that, China saw a century of decay because of its relative helplessness in the face of an invasion by foreign powers. The shock of this outside threat served as the impetus for a revolution against the previous government that started in the early 20th century and resulted in the installation of a communist government in 1949. China has subsequently risen to become one of the most prominent nations in the world, changing the political geography of the entire world because of this occurrence.¹¹

Hong Kong

In 1997, Hong Kong was handed over to China with The Basic Law, a constitution that created a dual system. It was intended to grant Hong Kong a position of self-governance within China, with a separate political and judicial system that respected fundamental human rights. In parallel, the final authority to interpret the Basic Law was granted to the National People's

⁹ Britannica, 'China', <https://www.britannica.com/place/China>, (Accessed 30 January 2023).

¹⁰ Council on Foreign Relations, Why China-Taiwan Relations Are So Tense, <https://www.cfr.org/backgrounder/china-taiwan-relations-tension-us-policy-biden> (Accessed 14 March 2023)

¹¹ Ibid. Britannica, (Accessed 30 January 2023).

Congress in Beijing. The revised national security law for Hong Kong was introduced in 2020 following widespread protests over an extradition treaty with mainland China. As part of the 2021 election reforms, Hong Kong's electoral system also underwent extensive changes. Human rights, democracy, and the rule of law in Hong Kong have been profoundly affected by these two changes. These changes were implemented after the decision of the National People's Congress in Beijing. Hong Kong has increasingly moved toward authoritarian rule as the principle of one country, and two systems have slowly eroded. Numerous international organizations and civil society organizations have voiced concern about this development, including Sweden, the EU, and the UN.¹²

There are no general or equal voting rights. The development towards democratization that had been taking place in recent decades has now totally ceased because of the modifications to Hong Kong's voting system that were implemented in the spring of 2021. The Hong Kong Parliament's (LegCo) proportion of directly elected members is further decreased because of the new electoral system, which also mandates that all LegCo candidates be authorized by a special review committee with de facto veto power. There is no longer any genuine political opposition in LegCo. Due to new regulations and fears of punishment, more than half of the elected opposition politicians at the district level have resigned. Since January 2020, no demonstrations have been allowed due to pandemic restrictions. 2020 and 2021 saw a permit denial for the yearly June 4 commemoration of the Tiananmen Square massacre. Most of the disobedient partygoers have subsequently been detained and accused of crimes.¹³

Xinjiang

Xinjiang has about 21 million inhabitants and most of the population is Muslim and Uyghur. However, during the last decades, Chinese people immigrated to Xinjiang, and now about 40% of the population is Han Chinese. Xinjiang has been an important link between the east and west, and Uyghurs have several times tried to make a Muslim "East Turkestan" without success.

¹² Regeringskansliet, 'Human rights, democracy and the rule of law in Hong Kong', 2022, <https://www.regeringen.se/rapporter/2022/06/manskliga-rattigheter-demokrati-och-rattsstatens-principer-i-hongkong/>, (Accessed 2 February 2023).

¹³ Regeringskansliet, 'Human rights, democracy and the rule of law in Hong Kong', (Accessed 2 February 2023).

Not all Uyghurs have submitted to Chinese control and the Chinese government has tried to make restrictions on the Uyghurs and other Muslim minorities' ability to follow their faith.¹⁴ There exist assumptions that Uyghurs and other Turkic Muslims are being victimized by Chinese government crimes against humanity. Torture, disappearances, family division, mass surveillance, discrimination based on culture and religion, forced repatriation to China, forced labor, sexual assault, and breaches of reproductive rights are some of the violations that are occurring.¹⁵

Beginning in 2016, regular Uyghurs who displayed signs of "abnormal behavior," such as reading a lot of the Koran or dressing in an Islamic manner, started to be taken to specialized "re-education camps," where they could be imprisoned for a year or longer without being subjected to any legal proceedings. Nearly a million Uyghurs and other ethnic minorities were held in such camps, claim human rights organizations like Human Rights Watch. Human rights organizations have voiced strong concerns about China's detention facilities at the UN. 22 nations asked that the imprisonment in camps and the abuse stop in a unified letter that was submitted to the UN Human Rights Council at its meeting in the summer of 2019.¹⁶

Human Rights Violations in Xinjiang

The United Nations Human Rights Office of the High Commissioner published a report in 2022 on human rights concerns in Xinjiang. According to applicable law, government security organs and the executive, in general, have extensive powers to investigate, prevent, and respond to terrorist attacks and acts of terrorism. For instance, the Counterterrorism Law ("CTL") and Xinjiang Implementing Measures ("XIM") allow public security organs to employ "technological investigative measures" and to collect and retain personal information and biometric information regarding individuals. These authorities are authorized by the Criminal Procedure Law ("CPL") to conduct special investigations, such as electronic surveillance. According to the Criminal Procedure Law ("CTL"), suspects may be imposed with a wide range

¹⁴ Landguiden, 'Xinjiang', 2021, <https://www.ui.se/landguiden/lander-och-omraden/asien/kina/xinjiang/>, (Accessed 25 January 2023).

¹⁵ Human Rights Watch, 'China: Events of 2021', (Accessed 29 December 2022).

¹⁶ Human Rights Watch, 'China: Events of 2021', (Accessed 26 January 2023).

of restrictive measures, such as orders not to leave the city, not to use public transportation, not to communicate with certain individuals, or to submit passports.¹⁷

In addition, other organizations are compelled by law to work with the authorities. Public security organs have general powers to take suspects into custody and confine them for long periods without independent review, which violates international human rights standards and law. The CPL, for instance, allows a person to be held for up to 37 days before he or she is formally reviewed and a decision about the arrest is made.¹⁸

There have been claims of family separation and enforced disappearance in Xinjiang. Enforced disappearances, as defined by the Convention for the Protection of All Persons from Enforced Disappearances (CPED), are "arrests, detentions, abductions, and other forms of deprivation of liberty carried out by agents of the State or by individuals or groups acting with the authorization, support, or with the acquiescence of the State." Despite not being a party to the International Convention on Enforced Disappearances, China is bound by the prohibition against enforced disappearances contained in other human rights treaties to which it is a party, including the Convention against Torture, and to the extent that the norm has been preserved in customary law.¹⁹

There have also been complaints regarding the circumstances in the "Vocational Education and Training Centers" (VETC) facility, which according to OHCHR investigations are credible. There are claims of torture, ill-treatment forced medical treatment and adverse conditions of detention.²⁰ Chinese leadership initially denied the existence of the camps, asserting that they were a type of boarding school offering training in a variety of professions as well as Chinese.²¹ When the individuals are released from camp, they are also made to sign a contract promising not to mention the camp otherwise their entire family suffers consequences. OHCHR had

¹⁷ United Nations Human Rights Office of the High Commissioner, 'OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China', 2022 p.10, <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>.

¹⁸ United Nations Human Rights Office of the High Commissioner, p.10.

¹⁹ United Nations Human Rights Office of the High Commissioner, p.40.

²⁰ United Nations Human Rights Office of the High Commissioner, p.44.

²¹ Landguiden, 'Xinjiang', (Accessed 26 January 2023).

several interviews with former detainees, and they witnessed threats, intimidations, and reprisals.²²

Tibet

Tibetan territory is governed as an autonomous region of China, the remote and predominantly Buddhist "roof of the world". There is a centuries-old claim of sovereignty by Beijing over the Himalayas. Tibetans, however, tend to support the exiled Dalai Lama, seen by his followers as a living god, but by China as a threat. Tibet's complicated history includes periods when it was viewed as a separate country and others when it was ruled by Chinese or Mongolian rulers. In 1950, China invaded the area with hundreds of soldiers to impose its territorial claims. Some parts were merged into neighboring Chinese provinces, while others established the Tibetan Autonomous Region. The 14th Dalai Lama established a government in exile in India in 1959 following a failed anti-Chinese insurrection in Tibet. During China's Cultural Revolution in the 1960s and 1970s, most Tibet monasteries were demolished. During times of repression and martial law, it is estimated that thousands of Tibetans were killed.²³

Regarding human rights, the government commits numerous acts of violence against the people, including extrajudicial, unlawful, and arbitrary killings; torture, cruel, inhumane, and degrading punishment; arbitrary arrests; and detention without trial. In addition, media and Internet use are restricted, as well as freedom of expression and religion. In addition to vague accusations of corruption or violations of "party discipline," it was claimed that the disciplinary procedures for officials were unclear. Furthermore, there was no information in the public context indicating that senior officials had punished security officers or other authorities for actions that would be considered abuses of power and authority under Chinese law.²⁴

²² United Nations Human Rights Office of the High Commissioner, p.42.

²³ BBC, 'Tibet Profile', 26 April 2019. world-asia-pacific-16689779, (Accessed 8 March 2023).

²⁴ U.S. Department of State, '2021 Country Reports on Human Rights Practices: China (Include Hong Kong, Macau, and Tibet)-Tibet', 12 April 2022, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/china/tibet/>, (Accessed 8 March 2023).

Legal Framework

China's Criminal Law was adopted based on the Constitution and is an important and well-used law in Chinese society. According to Chapter 1, article 2 aim the law to use criminal punishment to fight off crimes and protect the people. Hong Kong's autonomy is being diminished by Hong Kong's national security law, which makes it easier for China to arrest protestors. These laws are national in nature; international law, on the other hand, is based mostly on treaties and customary law and calls for adherence to the United Nations Charter, the principles of territorial integrity, and the abstinence from using force. Human rights, international humanitarian law, international criminal law, and treaty law are all included in international law.²⁵ The international community has worked to establish a comprehensive global code of human rights norms that govern nearly every aspect of the relationship between the individual and the State. This is through the adoption and widespread ratification by States of these legally binding covenants and conventions (known as "hard law") and the development of other human rights instruments like declarations, resolutions, guiding principles, and codes of conduct (known as "soft law"). The challenge today is establishing effective measures of implementation, the problem seems to be mainly of political differences.²⁶

China's Criminal Law

A state's criminal law is important for many reasons, and China's criminal law is based on the People's Republic of China Constitution. China's socialist regimes are built on democracy and adhere to "Marxist-Leninist-Maoist doctrine" thoughts. Chinese criminal law also considers the practical outcomes of China's socialist revolution and development. Following such beliefs as "the law serves socialism," and "the law serves the will of the class," therefore is the law a tool of the proletariat's rule and is democratically applied throughout the ranks of society. Additionally, the goal of criminal law is to uphold social order so that the nation's economy can grow quickly and strategically. Finally, criminal law works to protect fundamental rights and to uphold the people's right to participate in the management of state activities. There are several

²⁵ Government Office of Sweden, 'International Law', <https://www.government.se/government-policy/international-law/>, (Accessed 1 March 2023).

²⁶ Universal Rights Group, 'A Rough Guide to Human Rights', <https://www.universal-rights.org/human-rights-rough-guides/a-rough-guide-to-human-rights/>, (Accessed 1 March 2023).

fundamental concepts and regulations in Chinese criminal law that govern how it should be applied, what constitutes a crime, and how it should be punished.²⁷

There are different types of punishment according to China's criminal law, punishment is a required action meant to deny the criminal specific privileges. Its principal goals are to eliminate all criminal activity and uphold the socialist order. The people's court is supposed to use the law as the standard of punishment and to base its decision on only the circumstances of the specific case. Punishments are broken down into several primary and supplementary categories. The principal legal penalties that may be applied to a criminal include (1) constant observation; (2) detention; (3) fixed-term imprisonment; (4) life imprisonment; and (5) execution.²⁸

A person who is deprived of political rights suffers from (1) the loss of the right to vote; (2) the loss of freedom of speech, the loss of correspondence, the loss of assembly, and the loss of freedom of association; (3) the loss of the right to be part of any state agency; and (4) the loss of executive positions within any commercial or people's organization.²⁹

Hong Kong's National Security Law (NSL)

China passed and implemented the law "The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region" on June 30th, 2020, some people call it the end of Hong Kong. It is created to make it easier to prosecute protesters within the pro-democracy movement. This law is extremely broad and dangerously unclear; by its terms, anything might be used against anyone and be considered a threat to "national security." Using vague terms and wording around what is considered secession, subversion, collusion with foreign powers, and terrorism, the rule of law has been jeopardized. The Chinese government pushed through this bill with minimal control or transparency; it was

²⁷ Qiwu, Z., 'General Aspects of the Chinese Criminal Code and Code of Criminal Procedure', *UCLA Pacific Basin Law Journal*, Vol. 2, No.68, 1983, pp.65-66,

<https://escholarship.org/content/qt6459s28x/qt6459s28x.pdf?t=n4oulv>, (Accessed 23 January 2023).

²⁸ Qiwu, Z., 'General Aspects of the Chinese Criminal Code and Code of Criminal Procedure', p.68, (Accessed 23 January 2023).

²⁹ Qiwu, Z., 'General Aspects of the Chinese Criminal Code and Code of Criminal Procedure', p.68, (Accessed 23 January 2023).

passed without consulting Hong Kong's local legislature soon after it was initially announced. Even from the government, the measure's content was purportedly hidden until it was passed into law.³⁰ The outcome of the law has been to disproportionately constrain human rights in several areas, for instance, the freedom of assembly and association, freedom of expression, and right to a fair trial. As a result, individuals have been arrested, charged, and imprisoned solely for exercising their right to peaceful expression and association.³¹

Hong Kong's largest pro-democracy party had no representatives in the Legislative Council for the first time in its 26-year history because of this newly established law. Following the passage of the national security law, which prohibits acts of secession, subversion, terrorism, and collusion with foreign forces, Hong Kong's electoral system was overhauled to ensure that only "patriots" ran the city. Opposition members who once fought for democracy are now more careful. Nonetheless, they try to remain under the radar to maintain what they believe to be widespread support in society.³² Even before the NSL was enforced, Hong Kong was already gradually submitted to the Chinese central government's expansive definition of national security, which targeted activism and peaceful expression.³³

Declaration on Human Rights Defenders

After fourteen years of intense and difficult negotiations, the United Nations General Assembly (UNGA) unanimously adopted the Declaration on human rights defenders on December 9, 1998. It is an important international human rights instrument intended to protect human rights defenders around the world by codifying international standards and recognizing the legitimacy

³⁰ Amnesty International, 'Hong Kong's national security law: 10 things you need to know', 2023, <https://www.amnesty.org/en/latest/news/2020/07/hong-kong-national-security-law-10-things-you-need-to-know>, (Accessed 29 December 2022).

³¹ Amnesty International, 'China 2021', (Accessed 23 January 2023).

³² Wong, N., 'Hong Kong opposition camp rues its future: will it be able to find its place in new political landscape', South China Morning Post, Updated 28 Jun 2022, <https://www.scmp.com/news/hong-kong/politics/article/3183288/hong-kong-opposition-camp-rues-its-future-will-it-be-able>, (Accessed 20 January 2023).

³³ Amnesty International, 'Hong Kong: In the name of national security', Updated 29 Jun 2021, <https://www.amnesty.org/en/documents/asa17/4197/2021/en/>, (Accessed 26 January 2023).

of human rights defenders and their activities.³⁴ Its unanimous adoption indicates the state's strong commitment to its implementation, and following its adoption, states are considering the incorporation of the Declaration into their binding national legislations.³⁵ The United Nations' positive stance to support human rights defenders has been developed by taking into account: the importance of individuals and groups implementing international human rights standards in states; legitimating and supporting human rights defenders is a key step towards universal respect for human rights; the inadequacy of the legislative, executive, and judicial bodies of the states to provide effective protection against human rights violations; the importance of protecting human rights defenders against the challenges they face due to human rights violations.³⁶

Like the Universal Declaration of Human rights, the Declaration on human rights defenders is not legally binding, but it contains some internationally binding tenets. It recognizes the key role of human rights defenders in the realization of human rights as enshrined in the UDHR. The Declaration emphasizes everyone's right to fundamental freedoms while demanding that states respect, protect, and fulfill these rights. The rights to protection, the rights to freedom of assembly, the right to freedom of association, the right to access and communication with international bodies, the rights to freedom of opinion and expression, and the right to protest are some of the many vital rights implemented in the Declaration.³⁷

The Declaration has 20 articles that address the rights and protection of human rights defenders, state obligations, accountability of individuals, and the role of national laws.³⁸ It articulates,

³⁴ The International Service for Human Rights, 'UN Declaration on Human Rights Defenders', 2007, <http://www.ishr.ch/un-declaration>, (Accessed 10 February 2023).

³⁵ United Nations, 'Declaration on Human Rights Defenders', <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders>, (Accessed 6 February 2023).

³⁶ United Nations, 'Human Rights Defenders: Protecting the Right to Defend Human Rights Fact Sheet No.29', p.18, <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet29en.pdf>, (Accessed 12 February 2023).

³⁷ Nah, A.M., 'Introduction: Protecting Human Rights Defenders at Risk ', in A.M. Nah (ed.), *Protecting Human Rights Defenders at Risk*, London and New York, Routledge, 2020, p2.

³⁸ S. Kleemann, *Human Rights Defenders Under Pressure: Shrinking Space in Civil Society*, Baden, Tectum, 2020, p.29.

summarizes, and confirms rights that exist in the international human rights norms and legally binding instruments, for instance, the International Covenant on Civil and Political Rights (ICCPR) such as the right to freedom of expression and opinion, association, and assembly, the right to obtain access to information, the right to provide legal assistance.³⁹

The Declaration provides several protections to human rights defenders by ensuring their rights, such as the right to:

*"perform human rights work individually and in associations with others at the national and international levels; form, join and participate in NGOs; peaceful assembly; publish and distribute human rights knowledge to others; study, discuss and hold opinions on the practical implementation of human rights; a complaint about the policies and actions of individual officials and governmental bodies concerning violations of human rights and fundamental freedoms; offer and provide professionally qualified legal assistance or other relevant advice and assistance."*⁴⁰

Following Article 2 of the ICCPR, states have the primary responsibility and obligation to protect individuals, including human rights defenders, from human rights violations committed by states and non-state actors within their territorial jurisdiction.⁴¹ In addition to imposing duties on states, the Declaration also imposes duties on individuals to promote human rights, safeguard democracy and its institutions, and not violate the human rights of others; and professionals who can affect other people's human rights, for example, police officers, lawyers, judges, to respect human rights and comply with the relevant national and international standards of occupational and professional ethics.⁴²

According to Articles 6-9 of the Declarations, human rights defenders in China should have the right to "protect, promote and implement all human rights, to ensure that all persons under its jurisdiction can enjoy all social, economic, political, and other rights and freedoms in practice. To make complaints about official policies and acts relating to human rights and to have such

³⁹ Kleemann, *Human Rights Defenders Under*, pp.28-29.

⁴⁰ United Nations, 'Declaration on Human Rights Defenders ', (Accessed 6 February 2023).

⁴¹ OHCHR, 'Commentary to the Declaration on Human Rights Defenders', 2011, p.9, <https://www.ohchr.org/sites/default/files/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf>, (Accessed 1 February 2023).

⁴² United Nations, 'Declaration on Human Rights Defenders ', (Accessed 8 February 2023).

complaints reviewed.” However, these have been silenced and put away, while many have been forced to flee the country for their safety. China has been one to quell any form of protest against their communist government like the Tiananmen Square protest which was matched with a ruthless military crackdown over 30 years back. Despite being a member of the UN security council and a signatory to the ICCPR, some of China’s national laws have become incompatible with the human rights declaration and international standards like the Foreign NGO law. Which puts a limit on the rights to freedom of association, peaceful assembly, and expression, the Revised Regulations on Religious Affairs; restricting the freedom of religion for the Uyghurs Muslim community, Tibetans Buddhist, and unrecognized churches, and the National Security Law; which empowers the government to quell all forms of protest against it.⁴³ This was done with the claims that it was curbing all forms of terrorism and separatism. Automatically, it gives express authority to the police to oversee and manage the work of human rights defenders and has resulted in high-level intimidation, suspension, and total closure of offices. Most recently China’s stringent Covid restriction has once again pushed the citizens to the street to protest. The people were convinced that these laws were metamorphosing into ideological control by an authoritarian leader. China uses its domestic laws to legitimize human rights violations as a result impairing the work of human rights defenders.

The Challenges of Implementing the Declaration on Human Rights Defenders

Implementing the Declaration faces differing hindrances, some unique to some places, while others are generic. In China's case (including Hong Kong), these hindrances are pointed out below. Nations maintain the right to sign it or not, as most multilateral agreements, even when signed, in many cases, it has to pass through the rigorous process of ratification by parliaments or inner government circles as China's. This has turned out to be one major challenge in achieving the Declaration on human rights defenders as states are not compelled by law to adopt the tenets of the Declaration. The UN special rapporteur emphasized this in states where the legal and institutional protection and guarantees of human rights are only partially assured or nonexistent. In the Amnesty Periodic Review to the UN 2018, the Chinese government was

⁴³ Amnesty International, 'China: Human Rights Violations in The Name of "National Security": Amnesty International Submission for The UN Universal Periodic Review, 31st Session of The UPR Working Group', November 2018, p.6, <https://www.amnesty.org/en/documents/asa17/8373/2018/en/>, (Accessed 8 February 2023).

accused of being responsible for the conviction of over 65 activists who belonged to the New Citizen Movement that called for the transparency of the government and exposing corruption. They were also empowered by the Foreign NGO Management Law: 2017, which imposed restrictions on foreign and domestic NGOs.⁴⁴ Through this law, NGOs are prevented from conducting any form of political activity, their registration can be withdrawn, assets frozen, and their representatives can be detained and imprisoned or even deported in some cases. Many other human rights defenders in China and Hong Kong have been arrested, detained, and imprisoned on politically motivated charges, such as subversion or inciting social unrest.⁴⁵

Another salient challenge faced in the implementation of the Declaration on human rights defenders in China and Hong Kong is the denial of due process, including access to legal representation, a fair trial, and protection from arbitrary detention. There is limited legal representation for human rights defenders who have been detained, which is majorly due to the government's total control of the judicial system. Also, a seeming fear of government backlash may need more legal support and representation of defenders. Mo Shaoping, a prominent lawyer in China, reports to Amnesty International that only a meager 30% of the human rights detainees had access to legal representation.⁴⁶

The international community has principles such as "pacta sunt servanda" (treaties must be implemented, art. 26 of the Vienna Convention on the law of treaties). General legal principles include the restriction on abusing rights (*sic utere tuo ut alienum non laedas*) and the estoppel principle (*ex injuria non oritur jus*). In Article 103, the "rules-based international order" of the UN Charter and its "supremacy clause" takes precedence over all other treaties and agreements.

⁴⁴ China Underground, 'China's Foreign NGO Management Law', February 25, 2019, <https://china-underground.com/2019/02/25/chinas-foreign-ngo-management-law/#:~:text=The%20Foreign%20NGO%20Management%20Law%20imposes%20increased%20restrictions,of%20registration%2C%20reporting%2C%20banking%2C%20hiring%20requirements%20and%20fundraising>, (Accessed 20 February 2023).

⁴⁵ Human Rights Watch, 'Hong Kong: Prominent Democracy Advocates Arrested', May 13, 2022, <https://www.hrw.org/news/2022/05/13/hong-kong-prominent-democracy-advocates-arreste>, (Accessed 20 February 2023).

⁴⁶ Amnesty International, 'China: Legacy of the Beijing Olympics: Issues and Facts: Respect the rights of rights defenders – China's choice', London, 2008, <https://www.amnesty.org/en/documents/asa17/031/2008/en/>, (Accessed 11 December 2022).

The norms of the Charter are feasible, but effective enforcement mechanisms have yet to be developed. The high level of bad faith and the application of double standards in domestic and international law can be stated. States make and break agreements with impunity, undermining the legitimacy of fundamental norms and mechanisms.⁴⁷

Human Rights Defenders

The term “human rights” refers to a wide range of rights, extending from the right to life to the right to cultural identity, covering all the basic prerequisites for human dignity and existence and can be mainly classified as civil and political rights on the one hand, and economic, social, and cultural rights on the other.⁴⁸ All human beings are entitled to human rights simply because they are humans, and everyone has the right to enjoy these rights without discrimination.⁴⁹ Human rights differ from other rights by having two characteristics: first, they have inherent, inalienable, and universal character; second, they place the primary responsibility on states and their authorities or agents, not on individuals.⁵⁰ People, rather than states, are now the most important actors in advancing human rights. Human rights are protected and promoted in a variety of ways around the world. Some methods can be used to shape state institutions, policies, and practices, while others can be used to challenge and reform them. People advance human rights through everyday practices such as service provision, educational programs, artistic engagement, quiet diplomacy, and contentious or adversarial means such as street protests and litigation.⁵¹

Article 1 of the Declaration ensures the right of all individuals and groups to defend human rights, stating that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental

⁴⁷A De Zayas, (2022, January 14), ‘The Rule of Law Must Finally Evolve into the Rule of Justice’, <https://www.counterpunch.org/2022/01/14/the-rule-of-law-must-finally-evolve-into-the-rule-of-justice/>, (Accessed 10 March 2023).

⁴⁸ Sepúlveda, M., et al, *Human Rights Reference Handbook*, Ciudad Colon, Costa Rica, University for Peace, 2004, p.7.

⁴⁹ Sepúlveda, *Human Rights Reference Handbook*, p.6.

⁵⁰ Sepúlveda, *Human Rights Reference Handbook*, p.6.

⁵¹ Nah, A.M., ‘Introduction: Protecting Human Rights Defenders at Risk’, p1.

freedoms at the national and international levels.”⁵² Even though the Declaration does not explicitly define the term "human rights defender", it has been discussed and explained by various scholars in many books. Human rights defenders are those who protect and promote human rights at the local, national, regional, or international level, either individually or in collaboration with others, without hatred, discrimination, or violence.⁵³

Generally, human rights defenders gather and distribute information, advocate for the rights of the people, and mobilize public opinion on their behalf. They also provide training and information that empower others. In addition to providing shelter, food, and strengthening development, they actively participate in providing the material means necessary for the realization of human rights. By strengthening effective governance and empowering people to participate in the decision-making that shapes their lives, they promote democratic transformation. In addition to improving social, political, and economic conditions, they also contribute to the reduction of tensions internally and internationally and the creation of peace. In addition, they promote national and international awareness of human rights.⁵⁴

Human rights advocates also work to improve the government or persuade it to uphold its human rights commitments. This can be accomplished by making information about the government's track record of upholding human rights norms public and keeping track of advancements. As part of their efforts to combat corruption and the misuse of power, many defenders also advocate democratization and educate the populace about the value of the voting and the importance of participating in elections. A lot of NGOs are assisting with the development of housing, healthcare, and sustainable income-generation initiatives for underprivileged and marginalized groups, and human rights advocates also contribute to the implementation of international human rights treaties. NGOs provide tools like computers and training in fundamental skills to improve communities' access to information.⁵⁵

⁵² United Nations, 'The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms', 1998, p.3, E:\ENGLISH\PDF\TMP\N9977089.WPF, (Accessed 4 February 2023).

⁵³ Amnesty International, 'Defending Defenders? An Assessment of EU Action on Human Rights Defenders', 2019, p.13, <https://www.amnesty.org/en/documents/ior60/0995/2019/en/>, (Accessed 12 February 2023).

⁵⁴ United Nations, 'About Human Rights Defenders', (Accessed 19 January 2023).

⁵⁵ United Nations, 'About Human Rights Defenders', (Accessed 20 January 2023).

All over the world human rights are active and informed about injustice in all types of states. Both those in conflict and those that have a good democratic system. Many human rights defenders work at a local or national level. Some work at the regional and international level with human rights and spread information to the human rights mechanism or write reports for the United Nations Human Rights Council and Treaty bodies. To ensure that their investigative work is considered and that human rights violations are addressed, they can apply lobbying techniques to draw the public's attention to their report as well as those of important political and judicial officials. Human rights organizations carry out this work and release reports. Alternatively, an individual may collect and report information about one instance of human rights abuse.⁵⁶

Human rights defenders work for the promotion and protection of human rights by investigating, gathering, and reporting human rights violations; supporting victims of human rights violations; lobbying and empowering authorities to secure accountability and end impunity for compliance with human rights legal standards; encouraging governments to accomplish their obligations to respect, protect and fulfill human rights; playing a positive role in the implementation of international human rights treaties; creating awareness through human rights education and training.⁵⁷ In addition to preventing serious international crimes and gross rights violations, human rights defenders collect, consolidate, preserve, and analyze evidence of serious crimes and violations of international law to facilitate and expedite fair and independent criminal proceedings at national, regional, and international levels.⁵⁸

Human Rights Defenders in China

Human rights defenders risk their lives, safety, freedom, and liberty to defend human rights around the world; however, they often face harassment, intimidation, unfair accusations, imprisonment, and torture, and are labeled as "criminals", "foreign agents", "terrorists" or threats to "development" or "traditional values" by state, non-state actors, or individuals.⁵⁹

⁵⁶ United Nations, 'About Human Rights Defenders', (Accessed 19 January 2023).

⁵⁷ United Nations, 'Human Rights Defenders', pp.2-5, (Accessed 6 February 2023).

⁵⁸ Front Line Defenders, 'Chinese human rights defenders essential to preventing further serious violations of international human rights law', 2020, <https://www.frontlinedefenders.org/en/statement-report/chinese-human-rights-defenders-essential-preventing-further-serious-violations>, (Accessed 1 February 2023).

⁵⁹ Amnesty International, 'Defending Defenders?', p.7, (Accessed 12 February 2023).

These risks are exacerbated when a human rights defender is a woman or works to protect and promote the rights of lesbian, gay, bisexual, transgender, or intersex (LGBTI) peoples, minority and indigenous peoples, refugees, and migrants.⁶⁰

The human rights situation and attacks against human rights defenders in China continue and worsen from time to time.⁶¹ The Chinese government continues to suppress various human rights, including freedom of expression, information, association, thought, conscience, religion, belief, and peaceful assembly; the right to equality, non-discrimination, and fair trial; and freedom from arbitrary detention, torture, and other ill-treatment.⁶² Chinese authorities have illegally detained many human rights defenders and activists and subjected them to torture and ill-treatment while in prison. It is also common for the government to monitor people after their release, intimidate them, and harass them while restricting their freedom of movement. Six years after China's historic "709 crackdowns" on human rights defenders and lawyers, which featured a series of coordinated searches around the nation, many lawyers are still behind bars or subject to strict surveillance. Amnesty International has compiled a list on its website of some individuals who have disappeared or are being held in China's prison system unfairly.⁶³

Since January 2019, the Network of Chinese Human Rights Defenders (CHRD) has been collecting data on prisoners of conscience (People who have been illegally detained, imprisoned, or disappeared in China for peacefully exercising their human rights or protecting the human rights of others); until 16 March 2023, they have recorded 2655 prisoners of conscience, of which 1269 were serving prison sentences, 195 were detained (pre-trial), and 1077 were released.⁶⁴ Since 2016, Chinese police have continuously used 'Residential Surveillance at a Designated Location' (RSDL) to detain human rights defenders and individuals

⁶⁰ Amnesty International, 'Defending Defenders?', p.7, (Accessed 12 February 2023).

⁶¹ Amnesty International, 'Amnesty International Report 2021/22 The State of the World's Human Rights', 2022, pp.124-125, <https://www.amnesty.org/en/location/asia-and-the-pacific/east-asia/china/report-china>, (Accessed 7 February 2023).

⁶² Amnesty International, 'Defending Defenders?', p.30, (Accessed 12 February 2023).

⁶³ Amnesty International, 'China 2021', (Accessed 19 December 2022).

⁶⁴ Chinese Human Rights Defenders, 'Prisoners of Conscience Data, Mainland China', <https://tenchu.org/pocd/public/>, (Accessed 5 March 2023).

by depriving their communications (incommunicado); for example, in October 2020, lawyer Chang Weiping disappeared under the RSDL for “inciting treason” and his whereabouts were unknown, denied access with his lawyer or family members, and tortured.⁶⁵

The above data and facts show that human rights defenders in China have been continuously arrested, detained, disappeared, prosecuted, killed, and tortured, which demonstrates the failure of the Chinese government to fulfill its international obligations and commitments; in addition to these failures, the Chinese government continues to violate human rights, disregarding the repeated statements of concern made by international organizations, human rights experts, and governments.⁶⁶

Cases of Human Rights Defenders

There are some reported cases where human rights defenders and activists have gone missing in China, and some have been reported deceased because of their activities.

Chinese human rights advocate **Cao Shunli**, who pushed for more public participation in China's Universal Periodic Review and the creation of its human rights reports, passed away in 2014. When she attempted to leave the country in 2013 to attend a training session on UN human rights mechanisms in Geneva, she was imprisoned. She has endured several incidents of harassment, questioning, and detention because of her activism. She was held in detention for five months after being arrested, denied medical care, and eventually passed away in a hospital. Front Line Defenders have demanded an unbiased, independent investigation of Cao Shunli's killing to seek justice for the incident. Wang Yu, Cao Shunli's attorney, who fought the government on her side with courage, was also detained and accused of "subverting state power."⁶⁷

⁶⁵ The Rights Practice, 'UN Universal Periodic Review of China Mid-term Report. London', 2021, pp.7-8 https://www.ohchr.org/sites/default/files/2021-11/TheRightsPractice_UPR_of_China_Mid-term_Report_November2021.pdf, (Accessed 17 February 2023).

⁶⁶ Front Line Defenders, 'Chinese human rights defenders essential to preventing further serious violations of international human rights law ', (Accessed 16 February 2023).

⁶⁷ Front Line Defenders, 'Case History: Cao Shunli', <https://www.frontlinedefenders.org/en/case/case-history-cao-shunli>, (Accessed 23 January 2023).

On November 25, 2022, the well-known 90-year-old bishop and vocal human rights defender **Cardinal Joseph Zen** and five others were prosecuted after being found guilty of failing to register a now-defunct fund that aimed to assist protesters against the NSL in Hong Kong three years ago. They tried to register the 612 Humanitarian Relief Fund, which began in 2019 to help pay medical and legal fees for arrested protesters.⁶⁸

In the Admiralty district of Hong Kong, on September 26, 2014, a few thousand students went on strike because they wanted a true democratization of Hong Kong's elections for Chief Executive. The strike officially ended that evening at 10 p.m., but a seventeen-year-old boy returned to the stage later that evening. It was **Joshua Wong**, the founder, and leader of Scholarism, a student protest organization. He urged the crowd to stay and to retake Civic square, which is in the city's parliament and a symbolic place. Joshua Wong's take to reclaim Civic Square represents the Hong Kong people's fight for democracy, civil liberties, and self-determination. There were around 3000 students that spent their night retaking Civic Square, and the security forces answered back with pepper spray and tear gas going on until the next day. Like Joshua Wong, many of the protesters get injured and hospitalized. After the news was circulated about the event, tens of thousands of young people got involved in the protests at Civic Square, in which they used umbrellas to protect themselves from the pepper spray. The umbrella movement was founded and grew to become the largest and most significant democratic demonstration since the 1989 Tiananmen Square crackdown in Beijing.⁶⁹

The human rights defender **Chow Hang-Tung** and her well-known case regarding her acknowledgment of the 1989 Tiananmen Square uprising in Beijing have her imprisoned since September 2021. She was sentenced to 22 months in prison for inciting and participating in an unlawful assembly at the vigil in 2020 and for organizing the vigil in 2021. Besides that, she has been vocal about labor rights and protection and the rights of persecuted human rights defenders in China. Hang-Tung was named to Amnesty International's list of "10 People to Defend" on December 10, Human Rights Day, for her bravery and determination in fighting

⁶⁸ NPR (National Public Radio), 'Hong Kong court convicts Cardinal Zen, 5 others over fund to help arrested protestors', November 25, 2022, <https://www.npr.org/2022/11/25/1139187514/hong-kong-court-convicts-cardinal-zen-5-others-over-fund-to-help-arrested-protes>, (Accessed 9 March 2023).

⁶⁹ Rühlig, T., *Hong Kong's umbrella movement in search of self-determination*, UI Paper 3, The Swedish Institute of International Affaris, 2015, <https://www.ui.se/globalassets/butiken/ui-paper/2015/hong-kongs-umbrella-movement-in-search-of-selfdetermination---tr.pdf>, (Accessed 9 March 2023).

back against the abuses of Hong Kong's justice system. She is on trial for refusing to provide information about the Hong Kong Alliance, a now-defunct NGO where she is vice president, to the National Security Police. She is pleading not guilty and defending herself, as she regularly does. In addition, she is currently charged with crimes against the NSL, like "incitement to subversion." So as of now, she is involved in three processes, and for the trial about her unlawful assembly, the judge (**Judianna Barnes**) is stating that the authorities have been handling the case wrongfully and how they could assign them to a more secure place since their charges were based on COVID-19 risks. It is very unusual to criticize the authorities as a judge in Hong Kong.⁷⁰

The Swedish citizen **Gui Minhai** and award-winning publisher, scholar, and co-owner of Causeway Bay Bookstore in Hong Kong were last seen in Thailand on October 17, 2015. Since then, he has been detained in China without access to counsel. The Chinese authorities did announce that Minhai had been imprisoned in January 2016 after state-controlled TV aired a forced confession video of him stating he was involved in a traffic accident in 2003 and had returned to China freely to turn himself in. Aside from that, neither his family nor Swedish authorities have been given any information about his whereabouts. Four of Gui Minhai's colleagues were kidnapped between October and December 2015. Even though all evidence indicates that his four colleagues are being closely monitored, Gui is the only one of the five who stays in illegal detention in China.⁷¹ **Cui Aimin**, China's new ambassador to Sweden from 2022, is well-versed in Gui Minhai's fate. He was the Director General of the Department of Consular Affairs at China's Ministry of Foreign Affairs from 2018 to 2021 when Gui Minhai was kidnapped for the second time in 2018 from a train in Jinan by a civilian police force. The Swedish embassy, after that, denied consular visits. Cui Aimin is certain to know the details of the kidnapping. We cannot rule out the possibility that China's ambassador in Sweden was aware from the start that Gui Minhai would be kidnapped and imprisoned, his bookstore closed, and his Swedish passport confiscated - all for exercising his right to free expression.⁷²

⁷⁰ Kinasamordningen/Amnestygrupp Gothenburg 175, *Kinapuffen* (China coordination/Amnesty group Gothenburg 175, China puff) (Accessed 30 January 2023).

⁷¹ Free Gui Minhai, 'Gui Minhai has been detained for', <https://freeguiminhai.org/>, (Accessed 9 February 2023).

⁷² Expressen, 'Ta reda på vad Kinas ombud vet om Gui Minhai', <https://www.expressen.se/kultur/ta-reda-pa-vad-kinas-ombud-vet-om-gui-minhai/>, (Accessed 10 March 2023).

Political Opposition Under the NSL

On July 1st, 2020, on the first full day of the newly established law, the police arrested more than 370 people under the NSL. The arrests occurred in peaceful gatherings for allegedly threatening national security by chanting or displaying slogans or even simply possessing flags, stickers, or other materials bearing political messages critical of the government. No evidence exists that these arrests were made for any reason other than legitimate expression in entirely peaceful assemblies, as protected by international human rights law.⁷³

On November 17th, 2020, around 100 people, including students and a district councilor, chanted political slogans and held banners at a peaceful rally on the Chinese University of Hong Kong campus. After that, the university notified the police of the rally, and eight people, including three students, were arrested under the National Security Act.⁷⁴

Since the implementation of the NSL, there have been many activists that have fled to Taiwan. One well-known case is the "Hong Kong 12", where 12 young Hong Kong residents were detained by the Chinese coast guard about 78 kilometers from Hong Kong Island.⁷⁵

On January 6th, 2021, in Hong Kong, there was a mass arrest of 55 political opponents and pro-democratic individuals for the alleged violations of the city's national security law. They were charged with "subversion" for their participation in self-organized "primaries" for 2020's

⁷³ Davidson, H. and Kuo, L., The Guardian, 'Hong Kong: hundreds arrested as security law comes into effect', July 1, 2020, <https://www.theguardian.com/world/2020/jul/01/hong-kong-protesters-arrested-as-security-law-comes-into-effect>, (Accessed 9 March 2023).

⁷⁴ Amnesty International, 'Hong Kong: Crackdown over CUHK student protest is blatant attack on human rights', December 7, 2020, <https://www.amnesty.org/en/latest/press-release/2020/12/hong-kong-arrest-of-students-over-peaceful-cuhk-protest-is-blatant-attack-on-human-rights/>, (Accessed 9 March 2023).

⁷⁵ Davidson, H. and Kuo, L., The Guardian, 'Twelve arrested at sea while trying to flee to Taiwan from Hong Kong', August 27, 2020, <https://www.theguardian.com/world/2020/aug/27/ten-arrested-under-hong-kong-security-law-while-trying-to-flee-to-taiwan>, (Accessed 9 March 2023).

Legislative Council election, which was later postponed due to COVID-19 concerns. Thereon on, forty-seven of them were charged with "conspiracy to subversion."⁷⁶

Human Rights Future in China

The State Council Information Office and the Ministry of Foreign Affairs have approved together with the National Human rights Action Plan; the Human Rights Actions Plan of China (2021-2025). Since 2009, China has formulated an action plan on human rights, on how these can be improved and protected. In this new period, China's goal is to build a modern socialist country and with the radical improvement in their economy to a stage of high-quality development, a surge is also expected in the advancement of human rights.⁷⁷ However, some of the challenges facing China vary from unbalanced and inadequate development, the people's expectation for a better life to the protection of their human rights. This is necessitated especially with the raging instability, human rights abuses, and uncertainty ravaging the globe which became more evident since the Covid-19 crisis.⁷⁸

Thence, China's human rights action plan was reviewed by the Chinese government to adhere strictly to the principle of respecting, protecting, and promoting human rights as it also encompasses tenets of the UDHR and some international conventions of human rights. This action plan is set to be implemented following the guidance of China's president Xi Jinping and his thoughts on socialism with Chinese characteristics.⁷⁹

The action plan is expected to work to promote and protect the socio-economic and cultural rights of Chinese citizens. Amongst its provision of a basic and affordable standard of living, it will consolidate its poverty alleviation programs for low-income earners, as well as invest and ensure compulsory education from preschool to senior high school, freedom of religion,

⁷⁶ Amnesty International, 'Hong Kong: In the name of National Security', June 29, 202, <https://www.amnesty.org/en/wp-content/uploads/2021/07/ASA1741972021ENGLISH.pdf>, (Accessed 9 March 2023).

⁷⁷ The State Council Information Office of the People's Republic of China, 'Human Rights Action Plan Of China; 2021-2025', September 2021, p.4, [cws \(ohchr.org\)](https://www.ohchr.org/), (Accessed 9 March 2023).

⁷⁸ The State Council Information Office of the People's Republic of China, 'Human Rights Action Plan of China', p.4, (Accessed 9 March 2023).

⁷⁹ The State Council Information Office of the People's Republic of China, p.4, (Accessed 9 March 2023).

freedom to vote and be voted for.⁸⁰ The action plan also sought to review the strict control and application of the death penalty clause as capital punishment, Illegal detention, pretrial detention, and, confession by torture.⁸¹

The action plan, in other words, is set to revive China’s human rights by ensuring a higher level of human rights protection for all its citizens so that there is a higher sense of gain, happiness, and security.⁸² To this end, strict measures of monitoring and evaluation were employed to keep checks on what is being done and what has been obtainable. China through this plan also promised to fulfill its commitment to and engage in International human rights affairs. They promised to adhere to and implement recommendations that are aligned with the Chinese context while making their contributions to the International human rights cause.⁸³

Interviews

In total, we had the prospect of conducting eight interviews. Depending on whom we interviewed, we customized the questions concerning the informant. Regardless, we touched upon the same five themes: the main challenges in Hong Kong, the roles of human rights defenders, the declaration about human rights defenders, cases, and the future of Hong Kong.

Informant 1	Researcher at a Swedish Research Institute
Informant 2	Activist 1 from Sweden
Informant 3	Researcher 1 from Stockholm University
Informant 4	Activist 1 from Hong Kong
Informant 5	Researcher 2 from Stockholm University
Informant 6	Journalist, author, opinion former and activist
Informant 7	Activist 2 from Hong Kong

⁸⁰ The State Council Information Office of the People’s Republic of China, p.16, (Accessed 9 March 2023).
⁸¹ The State Council Information Office of the People’s Republic of China, pp. 22-24, (Accessed 9 March 2023).
⁸² The State Council Information Office of the People’s Republic of China, p.5, (Accessed 9 March 2023).
⁸³ The State Council Information Office of the People’s Republic of China, pp.41-44, (Accessed 9 March 2023).

Main Challenges in Hong Kong

For **Informant 1**, the researcher stated that the biggest challenge is going against the party because there is no allowance for the opposition, which makes it hard for people to express their opinions. She contemplates how the rule of law is a main challenge as well. **Informant 2** states that China is a very strict country with dictatorship, censorship, and control over people. They don't allow freedom of speech or thought, so working as a human rights defender in China is almost impossible. People use VPNs to spread information like pictures and videos from inside the country, which can also be dangerous. The main challenge is how *"their legal system is tied to the political system, making it hard to work with China, and in Hong Kong, it used to be easier for people to work with the authorities, but now that is changing too."* For **Informant 3**, he declares how the idea of one country and two systems have collapsed and how people do not have the same freedoms they used to and can no longer express themselves or meet with others freely like before. The biggest challenge is the NSL and how it was constructed so that China's rules apply in Hong Kong. Within the NSL, many vague terms are being taken advantage of, and security laws and states of emergency can easily be manipulated in different ways. Who is it that defines what a national crisis and major security risks are? The rule of law and our legal society is built on precise laws and clarity on what one can do and not. Having transparent and independent judicial bodies that are not politically governed makes power imbalance-thinking very much critical to realizing human rights. Likewise, **Informant 4** informs us how legal certainty and security are one of the main challenges for Hong Kong. It is illegal to promote democracy within the NSL since it counts as a subversion activity. *"And freedom of expression does not exist in the same way anymore. Before, Hong Kong was in the top 20 worldwide ranking for freedom of expression and freedom of the press. Now there has been a dramatic fall that one rarely has seen. Now the ranking is down to almost the top 70."*

As **Researcher 2** from Stockholm University affirms, the autocratic rule in China has constructed a culture of silence in China, where journalists are afraid to delve into political issues. *"The Chinese, their civil society, as it was organized before he took power, has been very much shrunk back to a very stifled situation, and people do not dare to speak up, journalists that are afraid of probing too deep into social and not political issues."*

Further on, many of the informants touch upon Han nationalism as one of the main challenges. **Researcher 2** acknowledges how in Tibet and Uighur regions of China; systematic genocide was committed to exterminate the Buddhist and Muslim minorities in violation of the universally recognized freedom of religion. **Researcher 1** finds cultural rights as a major threat where Han nationalism needs to be opposed. **Informant 6**, the journalist, declares how Hong Kong used to have freedom of thought, expression, and press, but it has been taken away. Newspapers had to shut down or be censored by Beijing, which also controls the TV channels. Academic freedom has also been lost. The academic world has been used as a tool and apparatus for propaganda. Another main problem is Han nationalism.

Roles of the Human Rights Defenders

Informant 2 says, *"It is very hard to say who would be a human rights defender and a dissenting person. One could have said that almost all people who think differently, regardless of religion or political thinking, are a kind of human rights defender as soon as they try to make their voice heard."* **Informant 3** voices how human rights defenders have a major role; *"many people have shown immense courage and strength when they dare to protest. They put themselves at risk for their safety and life and must flee the country."* Other complications are that China has local police stations in other parts of the world. They are trying to impact the situation in other countries, making the situation for students very insecure since they know they are being kept under surveillance by embassies. **Informant 4** recognizes the roles of human rights defenders for the ones living overseas since they can reveal the violations to the world around them. *"Being able to impact China directly is very challenging and difficult. However, China understands the language of power, so one can impact China through money and power from the ones that China cares about."* Governments can try to impose sanctions or choose to trade with countries that are more democratic instead. For instance, it can play out as moving one's production from China to a more democratic country. Sweden is very late on this issue in comparison to the US. **Informant 5 explains** how the situation in China and Hong Kong for human rights defenders to perform their duty and exercise their rights is difficult. *"Everybody that perhaps has a sense of civic duty to speak out and speak up if they see something that is wrong, they self-censor, or they get censored by their superiors in an organization."* **Researcher 2** also confirmed that the Chinese government has taken various

measures to suppress the rights of human rights defenders, journalists, and defense lawyers by *"detaining or keeping them incommunicado."*

Informant 6, likewise, **Informant 4** sees how the human rights defenders cannot help so much in Hong Kong and China therefore, the priority lies on the ones abroad that can impact. They play a more significant role. He also reveals how human rights defenders were vital as "barefoot human rights lawyers". They have played a necessary role in helping and supporting people in need. For instance, they went to trials, contacted the police, and wrote important texts and articles. In recent years there are no more "barefoot human rights lawyers". It is very difficult to be a human rights defender because they are risking their lives. For instance, some human rights defenders were outspoken about what happened in the hospitals during the pandemic. Every one of them is imprisoned. Some human rights defenders suddenly died in the hospitals without receiving corona.

Declaration on Human Rights Defenders

Some Informants were unfamiliar with the Declaration on human rights defenders. It was mostly the researchers that were knowledgeable about it. Some were surprised that China had even signed it. As the activist from Amnesty, **Informant 2**, expresses, *"I did not know about it until you mentioned it. You can say that China is violating everything that is stated in that Declaration. They are breaking every point in it. It is not legally binding either."* As many other informants discuss, they can connect China's violations of the Declaration with their power in the global arena and their power in the UN. **Informant 2** further connects how China can stop the discussions in the UN about China's atrocities, for instance, about the Xinjiang region. They can always get support from up to 60 countries in Africa or Latin America since many of these countries are autocratic themselves. In similar ways, **Informant 5** speaks up about China's power in the global arena. *"Through foreign aid and economic investment, China gains support from developing countries and exerts influence over the international political and human rights system to escape scrutiny from the international human rights institutions and to challenge pressure from China and other countries."*

Informant 3 states how China violates the Declaration since they oppose the UN system and its "cultural imperialism". According to the researcher, this argument is about China's view of human rights as a Western liberal product of thought and as a universal human rights expression. The human rights concept and the words are very loaded to state in China. These

"Western culture concepts" are viewed as part of cultural imperialism, which China sees as imposing its beliefs on how a society should be organized. This argument, which is similar to Putin's rhetoric, has influenced many countries, claiming that "the West does not understand us". China used to have political pluralism and human rights are not merely a Western concept. It is noteworthy to mention that the most significant human rights legal document, the UDHR, has a multicultural background. One of the most prominent authors was a Chinese diplomat and philosopher named Peng Chun Chang. He drew inspiration from Confucius' beliefs about being both rational and compassionate. In this part of article 1, *"They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."* Chang implemented the words reason and conscience, which were translated from Chinese words. The researcher also mentions people from Lebanon and Chile impacting the Declaration.

Furthermore, the Declaration is not legally binding. The VETO-right, which China has frequently exercised. Many countries, including Iran, Venezuela, and Chile, have supported China. Only recently have Western countries begun to question their reliance on Chinese exports. When you have the power that China has established, you can easily get away with a lot in the Declaration. For instance, China has purchased infrastructure and electricity companies in South America. **Informant 4** sees China's definition of human rights as a limitation for implementing the Declaration. *"They use the words human rights, which China also claims to have, but change its meaning. They say you can write whatever you want. However, if you scratch the surface, there is nothing there. China's attitudes towards the West versus the East are deeply entrenched, and they have declared their human rights. China also discusses 'UN democratization'".* He examines China's role in the UN by how they deliberate how each country should have its voice, which can impact small countries. Later, when many countries rely on China and become more China-friendly, China will be able to exert influence over many countries economies. China is attempting to gain more control in Europe by buying harbours and highways, for instance, in Greece, Italy, Serbia, and Moldova. Being more dependent on China, they can thus try to influence the UN from within and change the established words. One day democracy should mean something else, according to China. *"China uses many of these words to create confusion since it can get harder to face their arguments by saying the same thing but meaning something else. It is a form of manipulation to twist and turn the words."* In comparison to **Informant 6**, the journalist and author also reveal how China's definition of human rights is not what human rights stand for. *"A state that does not believe in human rights cannot live up to the Declaration about human rights defenders."*

They have not implemented the Declaration, and China has signed numerous UN Declarations; however, signing a Declaration is one thing; living up to it is quite another. China claims to be a country that supports free expression. They mean they have "selective freedom of expression" when it benefits them. China is not implementing the Declaration on human rights defenders because they consistently deny people legal certainty, with no rights to defense attorneys. And the right to work as a human rights defender or a "barefoot human rights lawyer." Considering how China regards any defense of human rights as a *"threat to its existence as a state"*, it is interpreted as going against the entire Chinese population.

Cases

Almost every one of the Informants did mention **Gui Minhai**. **Informant 6** is exceptionally specialized in the Gui Minhai case, where the opinion former has repeatedly been vocal about the issue for several years within the major Swedish media venues and to the Swedish government. He is concerned since Sweden is silent in the case and has especially directed its criticism to the Ministry for Foreign Affairs. In total, he has written 34 articles regarding Gui Minhai. **Informant 1** speaks about the many booksellers kidnapped, including Gui Minhai. And how many people within the media sector have lost their job due to the NSL. She also mentions the forced confessions happening. As **Informant 6** goes further on a deeper level regarding the forced confessions and the torture methods. When mentioning the significant year 2013 in China, when Xi Jinping came to power, he directly opposed these "barefoot human rights lawyers". It was among the first things he did. His methods were extremely worse than before against human rights defenders. They arrested people and then took them directly to a tv-station to do forced "confession tv" to broadcast on prime time. Torture methods were used; some were sent to secret prisons and detention centers. Many forced into these confession tortures were from Hong Kong and Uighurs, especially after 2019. However, there has been a decline in "confession tv" since the pandemic. *"People were also now arrested for vague suspicions on crimes they have not done or suspects of doing future crimes."* He further explains the three kinds of prisons for human rights defenders and opponents. They are also called secretive "residential surveillance" jails.⁸⁴ The worst level is when no one can visit you, not

⁸⁴ Abc News, 'China's secretive 'residential surveillance' jail system is booming under Xi Jinping, human rights group says', June 23, 2021, <https://www.abc.net.au/news/2021-06-23/chinas-network-of-secretive-prisons-booming-under-xi-jingping/100216432>, (Accessed 7 March 2023).

even embassy workers and consular visits from your country as a foreign citizen. The **journalist** is also constantly updated on imprisoned journalists in China, *"Right now there are 104 journalists imprisoned"*.

Informant 2 outlines China's control even after being released from prison. A person remains followed, guarded, and threatened. They can cause a person to lose their job or home, as well as their access to health care and education. Even if a person is dismissed, police cars and officers may be stationed outside their home. *"They are also monitoring people's phones. They have about 500 million surveillance cameras in China."*

Activist 1 from Hong Kong had very recent information on those who oppose the government in Hong Kong. He mentions the fifty people on trial, leading figures, professors, and people that have been writing the fundamental laws since 1997. They are waiting for their verdicts. They are so busy getting to the ones who sit on top right now. *"I have been in contact with **Benny Thai**, a famous professor in Hong Kong and famous in the pro-democracy movement. He was a co-organizer in a demonstration and got arrested for going against the freedom of assembly. I have been in contact with many others from Hong Kong. Many have fled to Taiwan, London, Canada, and the US. Almost all my friends have fled. All organizations within civil society have dissolved in Hong Kong; nothing works organizationally in Hong Kong but instead outside of Hong Kong. Mainly from Taiwan, London, the US, and Canada."* **Jimmy Lai** is one of the famous cases, also mentioned by **Informants 1, 6, and 7**, being the owner of Apple Daily and having two verdicts on him recently. Other examples are **Angie Chow** and **Ted Hui**. Hui was a member of parliament within the democratic party in Hong Kong. Both **Informants 4 and 6** have been in contact and meeting Hui. *"He was in the legislative council in Hong Kong and has been in close contact with people in Scandinavia. Denmark, Sweden, and Norway tried to help him, and finally, it was Denmark that got him to Denmark when he was already arrested in Hong Kong when NSL got enforced. It is one of the major things that our organization was able to do."* Hui has also been on a tour in Sweden, where he, for instance, met politicians in the parliament and met big newspapers like Dagens Nyheter and Expressen.

The Future

For many informants, the future for human rights defenders in Hong Kong and China does not look bright since China beholds strong power in the world. However, four of them had an optimistic outlook, **Informants 4, 5, 6, and 8**. **Informant 4** demonstrates how we can achieve

change *"I can see that it can get better. Otherwise, I might as well lie down. There is hope, but it needs to come from China for a real change. Hong Kong is too small and too powerless."* He also explains how a seed has been sown since many Chinese people have found some sense of togetherness with the people in Hong Kong. Especially concerning the covid restrictions, which were handled differently in Hong Kong. Furthermore, Taiwan is said to be a place where the China issue will be advanced. It is a progressive state, and many more Chinese people are beginning to evaluate it as an alternative. Within the China question, Taiwan represents the future of human rights. According to **Informant 4**, many Chinese people have fled there to live freely.

In similar ways, **Informants 4** and **6** reflect on the future by looking at China and seeing hope. **Informant 6** frames how *"I was recently pessimistic about their future. You can first comment on the future of Hong Kong when you comment on the future of China. With changes in Pekings, there will be changes in Hong Kong. China is where the focus needs to be."* In November 2022, in over sixty-four Chinese cities, the free 'white paper' protesters went out to protest with blank papers, which symbolized how tired they were of being unable to speak up about the pandemic restrictions. Within 3-4 days, the restrictions for the pandemic led to how all the restrictions were released."⁸⁵ *This clearly shows how there is a power in the youth generation that does not accept the same thing their parents had to accept. The fear has started to loosen up, and people have dared to be braver."* However, he is also disappointed with how the world has betrayed the people in Hong Kong. Fewer people attend demonstrations in Sweden, which is not like it used to be. The journalist hopes that Hong Kong can be on the agenda again soon. He also sees hope for the Hong Kong and Chinese youth movements. Likewise, **Informant 1** also sees hope in the youth. **Informant 6** sees hope in China's engaged minorities, who are already connecting with some Chinese people. *"Many Uighurs and Tibetans work for their human rights, which will impact the Han-Chinese people too. The Han Chinese will eventually realize the link between Tibetan oppression and Han Chinese oppression. If Han Chinese people eventually recognize they are in the same boat as Tibetans and Hong Kongers, there is hope."*

⁸⁵ Human Rights Watch, 'China: Free 'White Paper' Protesters', January 26, 2023, <https://www.hrw.org/news/2023/01/26/china-free-white-paper-protesters>, (Accessed 9 March 2023).

Informants 7 and 8 - activists from Hong Kong

Informant 7 is an activist based in Stockholm, and she is a part of Liberate Hong Kong and a Hong Kong committee in Europe. Her work includes helping those in the diaspora and being mainly connected with those in Hong Kong. Her background as a human rights defender comes from the first protests in Hong Kong in 2014, where she was involved in different activities, like being the designer for the group that published articles about democracy and conducted interviews about it. **Informant 7** also was in the same circles as Joshua Wong during the 2014 protests. She was also active when the government planned to launch the National Education Scheme (System) from China. Many students during this time rejected this initiative. They also saw this integration as a means of "brainwashing" students and hastening Hong Kong's integration into Communist mainland China.⁸⁶ She also mentions her academic background in Hong Kong as a motivation for being a human rights defender. *"My school encouraged us to be critical and to speak up when things were not done rightfully."* The activist finds the struggle to put Hong Kong high on the agenda and keep the momentum going as an organization in Sweden. New approaches need to be executed. Her organization is currently working to establish connections with the Swedish government. In the UK organization, they have a specialized "parliamentary group." *"We should have a joint force with Uyghurs and Tibetans. Swedish politicians do not like the term boycott when we go into the parliament. However, my friends in the UK and the US use this terminology to talk to the government and politicians, but this model is not working here."* Correspondingly, she addresses the problematic tendencies of investing with China. *"China owns more than 50% of the wind power in Sweden. It does not make sense to depend so much on one country."* In conclusion, she sees working in unity with others as being the most effective right now.

Informant 8 is an activist based in Norway and within the organization "Hong Kong Community in Norway." She expresses how they focus more on solidarity work for those in Hong Kong fighting for fundamental human rights. Their methods include informing people about the situation in Hong Kong, particularly those in Norway. They contact politicians and

⁸⁶ Global Nonviolent Action Database, 'Hong Kong students and residents reject national-education classes', 2012, <https://nvdatabase.swarthmore.edu/content/hong-kong-students-and-residents-reject-national-education-classes-2012>, (Accessed 8 March 2023).

other non-governmental organizations and press the Norwegian government to act. She further goes on with her demands. *"There is no immediate effect from the human rights defenders in Hong Kong. However, many people outside Hong Kong lend their voices. In that case, they can put pressure on the authorities in Hong Kong and create an awareness that people in the diaspora are observing the developments in Hong Kong. Solidarity work can give the necessary attention to people outside and, in turn, pressure Hong Kong authorities to minimize their human rights violations."* Additionally, pressure should be applied to states and their business dealings with China. The strategy is to pressure governments to halt negotiations and focus on how the human rights situation must improve before any business negotiations can take place. According to **Informant 8**, the business approach's pressure can help to protect human rights defenders.

She is also very critical of the UN system, claiming that it does not work fairly for smaller countries and that it favours dictatorships. *"The UN needs to be changed so everyone can have a say in how it works, which will lead to better conflict resolution and human rights protection for all people."*

Analysis of Findings

As stated in the report, victims of human rights violations frequently include those who defend the rights of others. They endure defamation, torture, and even death, which sometimes extends to their family members. Both state actors and non-state actors commit violations against human rights activists. State actors include the military, police, and governmental leaders. From the information gathered during this work, our Informants agree that protecting human rights defenders is difficult, whereas human rights must be legally protected to retain their unique characteristics. When a dispute over human rights issues arises, it should be adjudicated by a competent, impartial, and independent tribunal. It should also be decided by clear, specific, and pre-existing laws that are known to the public and openly declared, with procedures that ensure equal and fair treatment of all parties.

Challenges in China and Hong Kong

From the interviews and collected data, the situation with human rights activists in China is complex; they encounter many challenges, making their work almost impossible. As **Informant 2** asserts, *"Their legal system is tied to the political system,"* thus, making it hard for both human rights defenders and the population to work and express their voices and ideas and making legal representation difficult without political interference. There is little or no freedom of expression with strict censorship and government monitoring of all the media. As we were informed, human rights defenders and citizens resort to the *"use of VPNs to spread information"* about the human rights situation in the state.

The democratization process in Hong Kong has faced backlash. After the new voting system was implemented in 2021, there was a lack of genuine political opposition, primarily because of the fear of punishment. In Xinjiang, minorities are facing discrimination through restrictive measures and enforced disappearance. Hong Kong and Xinjiang are similar in that they are both impacted by laws that claim to protect terrorism. Authorities may interpret the law in any way they see fit thanks to this broad and vague legislation. According to international human rights norms and standards, one could say that they have an "anti-terrorism law system." During this report, all our Informants have described the NSL as the most prominent challenge and threat to the work of human rights defenders. Therefore, when trying to implement the Declaration, there is a collision with Chinese domestic laws (the NSL). The party leadership may see the Declaration and its implementation as highly risky and a tool that will weaken their authority. However, during interviews, it emerged that many must be aware of its existence. To shed light and share it would spread the urgency of working with human rights and the need to protect those who choose to fight back.

The rule of law must exert itself into the rule of justice. The manipulation of power within the law disempowers certain groups. **The activist from Liberate Hong Kong** informed us that in Hong Kong, *"the local jurisdiction is becoming non-functional...they go to the Chinese laws which are not the rule of law and not being separate and transparent from the state."* Hong Kong laws are no longer applicable in the state, and they are compelled to abide by Chinese laws. Any reference to the rule of law should be placed within a human-rights-founded framework. It should be noted that since law reflects power imbalances, we must ensure that

the idea of the rule of law is not instrumentalized to enforce the status quo and maintain privilege. This while maintaining vigilance in protecting that the rule of law and justice is enforced and that courts apply existing legislation. These decisions must be made in good conviction rather than serving corporations and special interests seeking only privileges rather than rights.

To devise and implement the reforms an evolving society requires, the rule of law must actively encourage continuous democratic dialogue and listening. Its objective is to serve humanity while gradually achieving human dignity in the context of freedom. The international community has also established humanistic values, such as the principle of "pacta sunt servanda" (treaties must be implemented, art. 26 of the Vienna Convention on the law of treaties). Notably, the general principles of law include prohibiting abusing rights (*sic utere tuo ut alienum non laedas*) and the estoppel principle (*ex injuria non oritur jus*). There is a "rules-based international order" in the context of the UN Charter and its "supremacy clause," which provides it priority over all other treaties and agreements in Article 103. The Charter's norms are plausible, but effective enforcement mechanisms have yet to be developed. There is a high level of bad faith and the application of double standards in both domestic and international law. Great powers make agreements only to break them with impunity. They undermine the credibility of the fundamental norms and mechanisms system.

Apart from civil and political rights in Hong Kong and China, it is reasonable to conclude that cultural rights for minorities and Tibetans are under threat, as many Informants have stated. Han nationalism must be conceded because it will always pose a threat to the future of China and human rights if not addressed. Finding unifying forces across groups and movements can be a powerful tool, according to one key revelation. How the Han Chinese population joins the forces is one driving force for action.

China's Growing Global Influence

As it has emerged throughout the report, by international human rights law, the government is responsible for ensuring that all laws and policies comply with it, investigating any allegations of human rights abuses quickly, ensuring accountability for perpetrators, and providing compensation for victims. Each person who has been arbitrarily detained should be freed as soon as possible. Such problems must also be rectified as quickly as possible to prevent further violations. To address the human rights situation in Hong Kong and Xinjiang, the government,

United Nations intergovernmental bodies, organizations for people's rights, and the international community should take urgent action.

China has strong ties and gains critical support from many developing countries with substantial votes in the international political arena and human rights system. The Informants of this report highlight Chinese influence and abuse of power as major obstacles to investigating the implementation of international human rights laws and standards in China. For instance, as **Informant 5** contends, *"Through foreign aid and economic investment, China gains support from developing countries and exerts influence over the international political and human rights system to escape scrutiny from the international human rights institutions and to challenge pressure from China and other countries."* This shows that much effort is needed to change the status quo in the international political arena and the human rights system, which autocratic and tyrannical governments like the Chinese Communist Party abuse.

It also draws attention to the importance of Sweden, where the government and companies should follow CSR (Corporate Social Responsibility) and become less reliant on China. Importantly, rather than serving corporations and special interests seeking only privileges rather than rights, the approaches must be altered. Many Informants, especially those from Hong Kong, were deeply discontented with Sweden's closer approach to China. **Informant 7** implies her disappointment by saying, *"China owns more than 50% of the wind power in Sweden. It does not make sense to depend so much on one country."*

The Declaration and Ensuring its Implementation in China

The Declaration on human rights, issued 25 years ago, has not been known by some Informants. For instance, one Informant said, *"I did not know until you mentioned it..."* another said, *"I am not familiar with the Declaration on human rights defenders."* However, those Informants who are aware of the Declaration can claim that China has violated every point of it. Signing international declarations, according to **Informant 6**, is crucial. However, signing an international declaration is not the same as carrying out its provisions. According to the Informant, China is *"a state that does not believe in human rights and is incapable of living up to the Declaration on human rights defenders."* These assertions are compatible with accusations raised against China, including being regularly arrested, imprisoned, disappeared, prosecuted, killed, and tortured because they are not committed to upholding human rights since human rights are seen as *"a threat to its existence as a state."*

Therefore, these facts reveal the importance of raising awareness of the Declaration among all stakeholders who can contribute to its implementation. Monitoring its implementation in China are crucial steps to ensure the rights of human rights defenders working in China and beyond.

The Future of Human Rights Defenders in China and Hong Kong

The information gathered from the Informants indicates that human rights violations and the crackdowns on human rights defenders in China and Hong Kong are systematic and organized. Even though a radical change in addressing these violations and crackdowns is challenging to achieve quickly, some Informants are optimistic about the future of human rights and democracy promotion in China and Hong Kong. Their hope lies mainly in the younger generation who reject what their parents accepted and have the courage to stand up for their rights through the youth movements of China and Hong Kong. **Informant 6** expresses the progress by saying, *"The fear has started to loosen up, and people have dared to be braver."* **Informant 4** conveys hope by saying, *"there is hope, but it needs to come from China for a real change."* Other Informants are pessimistic about the future of human rights and democracy promotion in China and Hong Kong, mentioning China's dictatorial rule and its strong influence on the international political and human rights system to escape scrutiny from the international human rights system. Therefore, addressing human rights violations and repression against human rights defenders requires time and coordinated efforts of various actors, such as international and national human rights organizations, states, non-governmental organizations (NGOs), and United Nations agencies.

In terms of the future and transformation in Hong Kong, changes must arise in China, and one way to get there is to change other states' relations with China. Given China's ongoing efforts to increase its economic and territorial power. With the increasing dominance of China as a world economic power, states can place a demand on the Chinese government to improve the human rights situation in China if they wish to continue their trade deals with the states. Solutions and resolutions would mean limiting the access of Chinese authorities regarding their relationship with companies overseas as well as countries. It is also equally critical that the world does not fail the people of China and Hong Kong. It is urgent to ensure the protection of human rights defenders both inside and outside of China, not to mention those in exile. The following sections include additional suggestions for the future.

Conclusion and Recommendations

There are many obstacles for human rights advocates, not only in China, and many of the rights outlined in many declarations are violated. As a result, human rights advocates play a crucial and necessary role. Yet, as this report has discovered, their vulnerable position has also presented them with numerous problems. The vulnerability of human rights activists' situations is mainly in mainland China, Hong Kong, and Xinjiang. During interviews and research regarding the Declaration of human rights defenders, the conclusion is that it has potential and brings up several important aspects of protecting them. However, the Declaration is without sanctions, making it hard to demand that authorities follow it. Domestic support for human rights defenders is inadequate.⁸⁷ The challenge of protecting human rights advocates in China may seem overwhelming and difficult, but it must be addressed since achieving universal human rights should outweigh the restraints. Following the analysis, a general recommendation is made in this section to spread awareness of the Declaration.

Recommendations

Having examined the activities of human rights defenders in China, this report makes the following recommendations:

To the international community and international organizations:

1. To ratify the Declaration on human rights defenders and protect defenders and advocates in their various countries.
2. To actively raise awareness of the Declaration on human rights defenders.
3. To support human rights defenders materially, logistically, and in any form. The international community, including the United Nations and its agencies, must take concrete actions to protect and support human rights defenders in China and Hong Kong.

⁸⁷ China's position as a security council member allows China to veto any attempt of the external response in the form of interventions such as the R2P (Responsibility to Protect). China is also a superpower with nuclear ability, which limits the prospects of intervention. Most importantly, alongside military dynamics, the UN Charter, Article 2 (7) stipulating non-intervention in the domestic affairs of countries by another, is the largest impediment to this.

4. To encourage press reporting of activities and the plight of defenders in every country.
5. To offer asylum and protection to exiled human rights defenders from Mainland China, Hong Kong, Xinjiang, and Tibet. Foreign governments can also make their embassies a safe haven for human rights defenders.
6. To advocate for more independent NGO organizations in Hong Kong and China.
7. To reassure more reportage of the alarming development in Hong Kong since the isolation of the cause allows for continued human rights violations and suppression of dissents.
8. To remain vigilant in ensuring that the rule of law and justice are upheld.
9. To condemn the dangers of Han nationalism and support oppositional groups.

To the Special Rapporteur on Human Rights Defenders:

1. To monitor and press for the implementation of the Declaration.
2. To prioritize the promises of the Declaration into reality.

To the Swedish government:

1. To reevaluate Swedish companies' relations with China and become less dependent. Take back control over the Swedish infrastructure and major industries.
2. To incorporate CSR (Corporate Social Responsibility) and EU guidelines for human rights duties for Swedish companies owned by China.
3. To demand the right to access information regarding cases like Gui Minhai. To our great regret, the various Swedish governments have not acted firmly and decisively enough in their response to China's brutal kidnapping of a Swedish citizen. We note that the Swedish Ministry of Foreign Affairs does not seem very ambitious following Gui Minhai's fate. Along with the lack of action regarding scrutinizing and interrogating Sweden's new China ambassador since 2022, Cui Aimin.
4. To protect exiled human rights defenders from Hong Kong, Xinjiang, and Tibet and assure that no deportations take place.
5. To connect with Hong Kong NGOs in Sweden and Europe for a better exchange of information regarding current actions.
6. To take similar approaches to Hong Kong NGOs in the UK in terms of establishing parliamentary groups and connections.

To the Swedish civil society:

1. To shed light on the human rights violations in China and Hong Kong by partaking in information about cases.
2. To continue being vocally loud about Hong Kong and China and keep it on your agenda by holding demonstrations in support of Gui Minhai.
3. To connect with the umbrella organizations regarding Hong Kong in Sweden and Europe.

To human rights defenders situated in or outside of China:

1. To continue documenting human rights violations in China and to establish an umbrella network to report the violations in an organized manner to relevant international organizations.

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Appendix: Interview Questions

- 1) Why do you work as a human rights defender?
- 2) What problems do you see in Hong Kong/China, and what would you say are the main challenges?
- 3) Considering the major human rights violations in China/Hong Kong, what role do human rights defenders play in promoting and protecting these rights?
- 4) Do you think the Declaration on Human Rights Defenders has been implemented in China? If not, what are the main reasons for failure?
- 5) What do you see for the future of human rights defenders in China/Hong Kong?