

# Written submission to the National Security Strategy (Joint Committee)'s 'Defending Democracy' Inquiry

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1. I research the foreign relations of the People's Republic of China (PRC), with interests including the PRC's overseas political activities and liberal-democratic policy responses. My specific advocacy in this area draws from a series of research publications including a RUSI Whitehall Paper, ongoing academic projects on transnational repression, and collaboration with civil society in understanding and responding to these issues.<sup>1</sup>
2. This submission offers brief answers to the Joint Committee's questions regarding (1) actual and perceived threats to the UK's democracy, (2) the role of independent bodies in responding to foreign interference (3) measures to counteract technological interference; (4) the evolution of threats to democracy in the UK, and (5) how the government should work with NGOs and other democracies to uphold democratic values.
3. Rather than a multi-pronged national security problem, the PRC's attempts to interfere in politics in the UK are better understood as the source of a diverse set of challenges to distinct liberal democratic institutions. Electoral interference, espionage, improper lobbying, elite cooptation, and cyber intrusions clearly threaten national security, but Beijing's most demonstrable impact on the UK democracy has been on the exercise of human rights and democratic freedoms inside the UK's borders. These effects have been particularly severe among diaspora communities, but also increasingly affect groups in wider society including journalists, lawyers, academics and activists.<sup>2</sup>
4. Transnational repression (TNR), and transnational human rights violations more broadly, not only directly undermine the UK's democratic institutions, they also have important implications for national security. However, tackling them effectively requires updating the UK's rights protection institutions.

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<sup>1</sup> Author, *PRC Overseas Political Activities: Risk, Reaction and the Case of Australia* (London: Royal United Services Institute, 2021), [https://eprints.lancs.ac.uk/id/eprint/159969/3/Chubb\\_2021\\_PRC\\_Overseas\\_Political\\_Activities\\_RUSI\\_co\\_mplied.pdf](https://eprints.lancs.ac.uk/id/eprint/159969/3/Chubb_2021_PRC_Overseas_Political_Activities_RUSI_co_mplied.pdf); "Testimony Before the US-China Economic and Security Review Committee," 28 March 2023; The Rights Practice, "Transnational Human Rights Violations A Workshop Report," 28 March 2023, <https://www.rights-practice.org/transnational-human-rights-violations>, <https://uscc.gov/hearings/chinas-global-influence-and-interference-activities>

<sup>2</sup> David Tobin & Nyrola Elimä, *We know you better than you know yourself": China's transnational repression of the Uyghur diaspora* (Sheffield University, 2023), <https://www.sheffield.ac.uk/seas/research/we-know-you-better-you-know-yourself-chinas-transnational-repression-uyghur-diaspora>; author, *Rights Protection: How the UK Should Respond to the PRC's Overseas Influence* (KCL, 2022), <https://www.kcl.ac.uk/lci/assets/policypaper0222-rights-protection-how-the-uk-should-respond-to-the-prcs-overseas-influence-final.pdf>

5. The central recommendation of this submission is the establishment of an independent statutory Transnational Rights Protection Office (TRIPO) as part of the UK's national human rights protection institutions, with core functions of
  - a. Providing a central, accessible, trusted point of contact for targets of transnational human rights violations to report and obtain support;
  - b. Monitoring the situation of transnational human rights violations in the UK;
  - c. Advising and raising awareness among government and non-government stakeholders;
  - d. Developing policy proposals and mechanisms to penalise perpetrators of transnational human rights violations;
  - e. Engaging in collective advocacy internationally via membership of the inter-governmental Global Alliance of National Human Rights Institutions (GANHRI).<sup>3</sup>I set out a fuller proposal for TRIPO in a recent short article for the Foreign Policy Centre, which is included as an Annex below.
6. Establishing such an institution will make the UK a world leader in ensuring democratic resilience against the cross-border political and technological challenges of the 21st century's contested world, while delivering significant benefits to UK national security. It will, for example, enhance visibility on foreign state behaviour inside the UK, improve confidence in the UK government among vulnerable groups, enhance social cohesion, and generate evidence-based policy measures and sanctioning mechanisms at arms length from parliamentary politics.

What are the **actual and perceived threats to the UK's democracy, and from where do those threats originate?**

7. While election security, foreign interference and disinformation are rightly recognised as threats to democracy, constraints on the exercise of basic democratic rights in the UK have received less focus. A large and expanding body of published research has demonstrated that TNR has generated severe effects on democratic rights for an array of diaspora communities and wider society. Freedom House data suggests that, besides the PRC, Bahrain, Pakistan, Iran, Russia and Rwanda are key origin states for transnational repression in the UK. Worldwide, the data identify more than 40 states as sources of TNR threats.<sup>4</sup>
8. Such issues have increased in both severity and scope with the development of digital communications and surveillance. Today, besides diaspora communities, transnational human rights violations also affect journalists, academics, activists and lawyers.<sup>5</sup> These

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<sup>3</sup> Global Alliance of National Human Rights Institutions (GANHRI) <https://ganhri.org/>

<sup>4</sup> <https://freedomhouse.org/report/transnational-repression>

<sup>5</sup> A striking recent example is the online surveillance and intimidation against the international legal team of detained Hong Kong media tycoon Jimmy Lai:

infringements against the exercise of basic civil and political rights — not to mention professional functions — clearly threaten the functioning of liberal democracy in the UK.

9. Such issues have been recognised across liberal democracies, and is within the Defending Democracy Taskforce’s announced remit, however no country has yet tackled TNR in a systematic manner. Law enforcement is essential, as seen in the United States’ FBI campaign against Transnational Repression,<sup>6</sup> but is far from sufficient as most violations occur via actions outside the host state’s jurisdiction. Elsewhere, TNR has tended to be approached under the rubric of countering foreign interference (FI), which limits the focus to TNR’s national security dimensions. An effective and comprehensive response must update national rights protection institutions for the 21st century.

**What is the role of independent bodies** such as the National Cyber Security Centre, Ofcom and the Electoral Commission when it comes to foreign interference?

10. Existing independent bodies have key roles in defending democracy in the UK, and civil society organisations have been raising issues of TNR in the UK publicly for several years. However, the independent statutory body responsible for ensuring the exercise of human rights in the UK, the Equalities and Human Rights Commission (EHRC), has been absent from discussions on the TNR and transnational human rights violations. This absence may be the result of resource constraints, but it likely also reflects the fundamental differences between domestic and international threats to the exercise of human rights in the UK. Tackling the technological, political and cultural complexities of transnational rights protection will require specialised focus and expertise. The UK has the opportunity to lead the democratic world in updating its rights protection institutions to account for this reality.

**What can be done to improve public awareness of disinformation, fraud, and technological interference**

11. The proposed Transnational Rights Protection Office would offer an ideal platform through which to improve public awareness of foreign-sourced disinformation and technological interference. As the central, trusted, public-facing contact point for communities and individuals facing interference, and liaison function across government departments, TRIPO would possess unprecedented visibility with which to diagnose and demonstrate issues to the public via research reports, briefings, parliamentary testimony, and media and public engagement. It would also be well

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<https://documents.un.org/doc/undoc/gen/g23/161/72/pdf/g2316172.pdf?token=uRoS9uLDJLPAJUou13&e=true>

<sup>6</sup> FBI, “Transnational Repression,” n.d., <https://www.fbi.gov/investigate/counterintelligence/transnational-repression>

positioned to offer independent commentary on any observed trends in foreign-sourced influence operations in UK election campaigns (see Annex).

**How will threats to UK democracy evolve in the medium and long term? How prepared is the UK for addressing these threats?**

12. Some government agencies including the Home Office and Electoral Commission have clearly moved towards greater preparedness against the threats facing UK democracy. However, as noted above, the UK's national human rights protection institutions have so far shown no sign of adaptation to, much less preparedness for, the growth of TNR and other cross-border human rights issues. This observation points again to the imperative of establishing an independent Transnational Rights Protection Office.

**How can the UK work better with other democracies to tackle foreign interference and uphold democratic values?**

13. The UK's current responses to transnational human rights issues largely mirror those of other liberal democracies, both in their strengths and shortcomings. The Defending Democracy Taskforce is reportedly performing important outreach functions, particularly among law enforcement and with civil society, but its focus is necessarily oriented toward national security and the integrity of UK democratic process, rather than enabling the exercise of rights within the UK's borders. The TRIPO proposed above would generate a world-first mechanism through which the UK could work with other democracies to tackle this dimension of foreign interference. Given the status of a national human rights institution (NHRI), the TRIPO could work through the GANHRI to encourage and demand the establishment of equivalent institutions around the world under international human rights law.

## Annex

# Meeting the Challenge of Transnational Human Rights Violations in the UK: The Case for a Transnational Rights Protection Office

September 28, 2023

<https://fpc.org.uk/meeting-the-challenge-of-transnational-human-rights-violations-in-the-uk-the-case-for-a-transnational-rights-protection-office/>

Today's authoritarian actors, including powerful authoritarian states, can remotely surveil, threaten and harass individuals inside the United Kingdom (UK). The most frequently targeted are those within diaspora communities, students, activists, human rights defenders, exiled political figures and journalists. A result of the confluence of evolving digital communications and rising global authoritarianism, the problem of transnational human rights violations is currently a major blind spot in the UK's democratic institutions, in particular its human rights protection arrangements. Simply put, the UK Government is legally obliged to protect those living here who are at risk of, or have faced, repercussions as a result of exercising their democratic rights.

The UK Home Office's Defending Democracy Taskforce, established in late 2022 and chaired by Security Minister Tom Tugendhat, has transnational repression within its mandate.<sup>[1]</sup> Yet with its primary focus on issues related to national security – electoral security, threats to politicians, improper foreign lobbying and the protection of sovereignty – the taskforce offers little support

to targeted communities and individuals.<sup>[2]</sup> In the United States, the FBI has launched a series of criminal cases against alleged perpetrators of transnational repression since 2020 by applying pre-existing offences such as harassment and stalking.<sup>[3]</sup> While law enforcement is a necessary step, the agency's cases do not constitute a systematic institutional response to this issue, as acts of transnational repression can often occur via digital platforms, without any crime being committed on the physical territory of the host state.<sup>[4]</sup>

The absence of UK institutional frameworks designed to meet these complex challenges constitutes a dereliction of the UK's obligations under international human rights law. A focused and effective way to address these violations of the human rights of vulnerable communities and individuals would be the establishment of a Transnational Rights Protection Office (TRIPO) as part of the UK's national rights protection institutions.<sup>[5]</sup> This new office should monitor transnational human rights issues and their manifestations in the UK; provide information, support and safe points of contact to affected individuals; advise the UK Government; and develop future legal avenues of redress.

### **Problem: The blind spot of transnational human rights violations**

In an era of growing authoritarianism globally, transnational rights violations are on the rise.<sup>[6]</sup> From the Stalinist Soviet Union's executions of Saudi Arabia's murder of Leon Trotsky to Jamal Khashoggi, autocrats have often gone to extreme lengths to silence independent voices and political rivals in exile abroad. But today a broad array of authoritarian actors including states, organisations and individuals can surveil and threaten critics and everyday citizens from afar, with minimal cost.<sup>[7]</sup> Chinese political activists and persecuted groups including Uyghurs and Tibetans face well-documented threats from the People's Republic of China (PRC) ranging from social media harassment to coercion of family members through to extrajudicial rendition.<sup>[8]</sup> Political exiles from numerous Central Asian countries have commonly encountered violence outside their home country, and Cambodia, Ethiopia, Eritrea, Russia, Rwanda, Vietnam and at least two dozen other states have made well documented attempts to suppress critics abroad.<sup>[9]</sup>

The UK is not a safe haven free from these kinds of threats. Saudi, Libyan and Syrian exiles have faced technology-enabled threats to their exercise of basic political rights in the UK in recent years.<sup>[10]</sup> Persian-language broadcaster Iran International was forced to shut down its London studio earlier this year after British police warned of escalating “state-backed threats”.<sup>[11]</sup> The Eritrean Government attempts to levy a 2 percent income tax on UK-based diaspora community members, with those who refuse to pay facing visa denials, and threats against family members and property there.<sup>[12]</sup> SLAPPs (strategic lawsuits against public participation) have threatened to bankrupt UK journalists and media investigating wealthy kleptocrats in Russia, Kazakhstan, Malaysia and elsewhere.<sup>[13]</sup> Overseas students, scholars, activists and journalists are subject to technical surveillance of their communications, extraterritorial censorship, employment discrimination and threats of future criminal prosecution for the exercise of basic human rights in the UK.<sup>[14]</sup>

These practices constitute *transnational human rights violations*: infringements on human rights against a target located remotely across national borders from the originator of the threat. Such situations give rise to a host country’s duties to protect under international human rights law.<sup>[15]</sup> Under the International Covenant on Civil and Political Rights (ICCPR) States have the obligation to “ensure within its territory” the rights in the Covenant, and “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.”<sup>[16]</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR), meanwhile, requires states to ensure the “conditions safeguarding fundamental political and economic freedoms to the individual” and “to guarantee that the rights enunciated... will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion.”<sup>[17]</sup> The UK’s Human Rights Act accordingly obliges the Government to ensure individuals can exercise their fundamental rights such as freedom of speech, association and protest.<sup>[18]</sup>

Transnational human rights violations that take effect inside the UK are a longstanding challenge significantly exacerbated by globalisation and technology. Today's authoritarian governments have unprecedented abilities to reach beyond their own borders. New digital communications channels, coupled with intensified cross-border linkages, have created new and effective modes of extra-territorial coercion and punishment to which liberal democracies have yet to develop meaningful responses. In the UK, members of some targeted communities have even reported being afraid to seek help from local UK authorities for fear that doing so would place family members – or themselves – at even greater risk.<sup>[19]</sup>

While direct harassment and intimidation on the basis of political or religious beliefs taking place in Britain is illegal, numerous UK diaspora communities nonetheless face serious encroachments on their rights due to surveillance and repression implemented both from inside the UK and from overseas. The result is that many members of vulnerable communities cannot in practice exercise fundamental human rights in the UK without fear of adverse consequences. Often, such transnational repression is implemented via threats or harm to the target's family members located in another country.<sup>[20]</sup>

Government must equip the UK's human rights institutions to provide meaningful support to individuals and communities and others facing issues of transnational coercion, and establish mechanisms to prevent impunity for the actions taken against them. Most importantly, targets of transnational repression need to know where to get support, and trust that the institutions they reach out to understand the specific nature of these types of violations and the driving factors behind them.

### **Proposal: Transnational Rights Protection Office**



Establishing a UK Transnational Rights Protection Office (TRIPO) would directly mitigate the human rights impact of foreign states' interference and help meet the UK's obligations towards vulnerable individuals and groups disproportionately affected by transnational repression. The new office should serve at least five key functions:

1. Providing accessible information, advice and support to individuals facing threats of transnational human rights infringements;<sup>[21]</sup>
2. Collecting data, research and reporting on the prevalence and forms of transnational infringements against UK residents' human rights;<sup>[22]</sup>
3. Supporting individuals, communities and vulnerable family members to access legal assistance, humanitarian visas and potential avenues of redress;
4. Advising and supplying information to other UK government agencies to ensure extradition, deportation and freezing of assets are not used to violate human rights;<sup>[23]</sup> and
5. Investigating future legal avenues of remedy against perpetrators of transnational human rights violations against UK residents.

These functions align closely with existing activities of the Equality and Human Rights Commission, though TRIPO would not necessarily need to be institutionally part of the EHRC, which is already overstretched and underfunded. Yet, as the UK's national human rights institution, the EHRC has the mandate and experience in promoting awareness, understanding and protection of human rights in the UK.<sup>[24]</sup> While a range of models should be considered, the TRIPO would benefit from affiliation with the EHRC – not only because the matters of sit within its remit, but also because its membership of the Global Alliance of National Human Rights Institutions means it may establish an example for other jurisdictions that likewise have currently unfulfilled human rights obligations in respect of transnational repression.

The UK Government currently lacks a dedicated body to handle the specific types of challenges that transnational repression creates, and ensure that the UK meets its human rights obligations. TRIPO would provide a focal point for monitoring the issues, delivering direct support, and closing the blindspot of transnational human rights violations in the UK.

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*Disclaimer: The views expressed in this piece are those of the author and do not reflect the views of The Foreign Policy Centre.*

<sup>[1]</sup> UK Government, Ministerial Taskforce meets to tackle state threats to UK democracy, November 2022, <https://www.gov.uk/government/news/ministerial-taskforce-meets-to-tackle-state-threats-to-uk-democracy>

<sup>[2]</sup> Ibid

<sup>[3]</sup> FPI, Transnational Repression, see: <https://www.fbi.gov/investigate/counterintelligence/transnational-repression>

<sup>[4]</sup> Sarah Lehmkuehler, Countering Transnational Repression: The importance of integrating new immigrants into society, Foreign Policy Centre, December 15, 2020, <https://fpc.org.uk/countering-transnational-repression-the-importance-of-integrating-new-immigrants-into-society/>

<sup>[5]</sup> The TRIPO could potentially be affiliated to the UK's national human rights institution, the Equality and Human Rights Commission, <https://www.equalityhumanrights.com/en>

<sup>[6]</sup> Yana Gorokhovskaia and Isabel Linzer, Transnational Repression: Understanding and Responding to Global Authoritarian Reach, Freedom House, <https://freedomhouse.org/report/transnational-repression>

<sup>[7]</sup> Gerasimos Tsourapas, Global Autocracies: Strategies of Transnational Repression, Legitimation, and Co-Optation in World Politics, *International Studies Review*, 2021, 616-644; Marlies Glasius,

Extraterritorial authoritarian practices: a framework, December 2017,

<https://www.tandfonline.com/doi/full/10.1080/14747731.2017.1403781>

[8] Chen Jie, Political Science and International Relations, The University of Western Australia, Australia, The Overseas Chinese Democracy Movement: Assessing China's Only Open Political Opposition, 2019, <https://www.e-elgar.com/shop/gbp/the-overseas-chinese-democracy-movement-9781784711023.html>

[9] See Alexander Dukalskis, Making the World Safe for Dictatorship (Oxford: OUP, 2021), pp. 67-91 and online appendix at [https://alexdukalskis.files.wordpress.com/2021/04/online-appendix-aaad\\_making-the-world-safe-for-dictatorship-2.pdf](https://alexdukalskis.files.wordpress.com/2021/04/online-appendix-aaad_making-the-world-safe-for-dictatorship-2.pdf). Ethiopian and [Rwandan](#) Government critics have seen family members arrested over their participation in protests, and Cambodian dissidents have [complained](#) of threats and surveillance by agents or supporters of Hun Sen's Government. Vietnamese agents [abducted](#) a businessman in Berlin in 2017, sparking fears among dissident exiles that have [reverberated](#) in Vietnamese communities elsewhere. Before Taiwan's democratisation, the ruling Kuomintang also engaged in intimidation and violence against its critics overseas, including the infamous murder of KMT critic [Henry Liu](#) in California in 1984. See: Human Rights Watch, Australia: Protests Prompt Ethiopia Reprisals, November 2016, <https://www.hrw.org/news/2016/11/07/australia-protests-prompt-ethiopia-reprisals>; Amy Greenbank, Spies in our suburbs: Unearthing an alleged shadowy network of spies and their efforts to silence dissent, ABC News, August 2019, <https://www.abc.net.au/news/2019-08-25/spies-in-our-suburbs-alleged-spy-web-silencing-rwandan-refugees/11317704>; Stephen Dziedzic, Hun Sen: Calls for Cambodian sanctions intensify in Canberra ahead of key Julie Bishop meeting, ABC News, August 2018, <https://www.abc.net.au/news/2018-08-15/calls-for-cambodian-sanctions-intensify-ahead-of-bishop-meeting/10117972>; Silke Ballweg, Berlin bloggers fear the long arm of Hanoi, DW, January 2018, <https://www.dw.com/en/berlin-bloggers-fear-the-long-arm-of-hanoi/a-42158554>; Reuters Staff, Germany charges Vietnamese man in ex-oil executive kidnapping, Reuters, March 2018, <https://www.reuters.com/article/us-germany-vietnam-idUSKCN1GJ1BI>

[10] Dana Moss, The Arab Spring Abroad: Mobilization among Syrian, Libyan, and Yemeni Diasporas in the U.S. and Great Britain, 2016, <https://escholarship.org/uc/item/8dd2k20p>; Siena Anstis & Sophie Barnett, Munk School of Global Affairs and Public Policy, Digital Transnational Repression and Host States' Obligation to Protect Against Human Rights Abuses, <https://munkschool.utoronto.ca/research/digital-transnational-repression-and-host-states-obligation-protect-against-human-rights>

<sup>[11]</sup> Geneva Abdul, UK-based Iranian TV channel moves to US after threats from Tehran, The Guardian, February 2023, <https://www.theguardian.com/media/2023/feb/18/uk-iranian-tv-channel-moves-us-threats-tehran>

<sup>[12]</sup> Eritrea Hub, Eritrea's 2% Diaspora Tax and its impact in the UK, October 2022, <https://eritreahub.org/wp-content/uploads/2022/10/Eritreas-2-Diaspora-Tax-and-its-impact-in-the-UK.pdf>

<sup>[13]</sup> Susan Coughtree, London Calling: The Use of Legal Intimidation and SLAPPs Against Media Emanating From the United Kingdom, February 2023, <https://fpc.org.uk/wp-content/uploads/2022/04/London-Calling-Publication-February-2023.pdf>

<sup>[14]</sup> Joshua Rozenberg, A Lawyer Writes, Saudi spyware claim goes ahead, August 2022, <https://rozenberg.substack.com/p/saudi-spyware-claim-goes-ahead>; Samantha Craggs, CBC News, McMaster cuts Chinese institute, worried by discrimination, February 2013, <https://www.cbc.ca/news/canada/hamilton/headlines/mcmaster-cuts-chinese-institute-worried-by-discrimination-1.1321862>

<sup>[15]</sup> United Nations, International Human Rights Law, <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>

<sup>[16]</sup> United Nations, International Covenant on Civil and Political Rights, December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>[17]</sup> United Nations, The International Covenant on Economic, Social and Cultural Rights, December 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>[18]</sup> Human Rights Act 1998, <https://www.legislation.gov.uk/ukpga/1998/42/contents>

<sup>[19]</sup> Index on Censorship, Landmark report shines light on Chinese “long arm” repression of ex-pat Uyghurs, February 2022, <https://www.indexoncensorship.org/2022/02/landmark-report-shines-light-on-chinese-long-arm-repression-of-ex-pat-uyghurs/>; Sophia Yan, The Telegraph, Exclusive: China continues to harass exiles on British soil, claim victims, August 2020, <https://www.telegraph.co.uk/news/2020/08/16/exclusive-china-continues-harass-exiles-british-soil-claim-victims/>

[20] Ibid, Safeguard Defenders; Dana Moss, Oxford Academic, Transnational Repression, Diaspora Mobilization, and the Case of The Arab Spring, September 2016,  
<https://academic.oup.com/socpro/article/63/4/480/2402855>

[21] This could be coordinated with community organisations such as Citizens' Advice and refugee support organisations.

[22] Ibid, CESCR, General Comment No.10.

[23] Freedom House, Special Report 2022, United Kingdom: Transnational Repression Host Country Case Study

<https://freedomhouse.org/report/transnational-repression/united-kingdom>

[24] Equality Act 2006, <https://www.legislation.gov.uk/ukpga/2006/3/section/9>