

**WRITTEN EVIDENCE SUBMITTED BY ANDREW CHUBB
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Summary

1. I research the foreign relations of the People's Republic of China (PRC), with a focus on the PRC's overseas political activities and corresponding liberal-democratic policy responses. My specific advocacy in this area draws from 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.¹
2. I am grateful to the Joint Committee for the opportunity to present oral evidence on 5 February 2025. This submission offers brief elaborations on the Committee's questions regarding the definition of TNR, the government's responses, and support for targets of TNR.
3. The core contention of this submission is that the broadening, intensifying effects of TNR are **fundamentally a problem of inadequate protections for human rights in the UK** in the context of advancing authoritarian practices and capabilities. Reversing the trend of advancing authoritarian influence and capability requires **updating the UK's rights protection institutions**, specifically, by establishing an independent Transnational Rights Protection Office (TRIPO) tasked with receiving complaints, monitoring TNR occurrence, providing direct support to targets, advising government on evidence based policy responses, and liaising with international partners.
4. Doing so will not only address a major blind spot in UK rights protection, it will enhance government-community interface and information sharing, societal cohesion, and generate new channels of information on hostile state activity. In short, recognising TNR as a human rights issue holds out extensive potential benefits to UK national security, democratic resilience, and broad national interest.

Should the Government adopt a formal definition of transnational repression? What should be the key elements of a definition?

5. A global definition of TNR has proved elusive, but for the purposes of mobilizing policy responses and guidance across multiple government agencies, my view is that it is essential that Government adopt a working definition.
6. Such a definition must include at least two core elements:
 - a. Targets: All targets of TNR should be covered, as distinct from narrower formulations focused on specially affected communities;

¹ Tackling Transnational Repression in the UK Working Group, submission to the present inquiry, 24 February 2025. 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_compile_d.pdf; Author and Kirsten Roberts Lyer, "Transnational Human Rights Violations: Addressing the Evolution of Globalized Repression through National Human Rights Institutions," *Journal of Human Rights Practice*, 16(3) 770-793.

- b. Effects: TNR should be identified by its effects, namely constraining or punishing the exercise of fundamental human rights of persons in the UK.
7. While some existing definitions refer to additional elements such as goals, techniques and groups targeted by TNR, in my view these would be better addressed in detailed guidance flowing from a definition, rather than in the definition itself. Goals depend on intentions, which are very often difficult or impossible to discern; techniques of TNR are constantly and rapidly evolving; and the range of targeted groups and individuals also varies widely among different TNR perpetrators.
 8. A broad, clear and simple working definition based around these two elements would be preferable for a multitude of reasons. It would help raise understanding and action across government and non-government bodies, such as local police services, immigration and other statutory bodies such as the Equalities and Human Rights Commission (EHRC). For example:

“Transnational repression (TNR) refers to attempts by foreign states or proxies to coerce, constrain or punish the exercise of fundamental rights in the UK.”

How does transnational repression impact (a) those targeted and (b) their wider communities?

9. TNR severely affects the exercise of fundamental, legally-protected rights by those targeted, and by the broader communities in which they are embedded. The many submissions to this inquiry by individuals and organisations targeted make this clear. Leading empirical data demonstrating the rights-violating nature of TNR techniques include US think tank Freedom House’s Transnational Repression dataset,² academic projects Authoritarian Actions Abroad database³ and Central Asia Political Exile Database,⁴ and the Oxus Society’s Transnational Repression of Uyghurs dataset.⁵

Which states are currently understood to be the biggest perpetrators of transnational repression in the UK? What are the main methods employed by such actors in the UK?

10. The Chinese Communist Party is, to my knowledge, the most impactful perpetrator of TNR in the UK. Using techniques ranging from bounties designed to inspire intimidation and harassment, through to pressure on targets’ relatives, and subtler techniques of outsourced platform censorship and the threat of digital surveillance, the CCP party-state possesses unparalleled ability to impose costs on UK individuals

² <https://freedomhouse.org/report/transnational-repression>

³ <https://alexdukalskis.wordpress.com/data/>

⁴ <https://excas2.micheldurinx.opalstacked.com/exiles/>

⁵ <https://oxussociety.org/viz/transnat-rep/>

and groups for exercising their fundamental political rights.

11. However, as many other submissions to this inquiry attest, TNR is clearly not a China-specific problem. The emergence of new digital communications technologies and rising authoritarian power has enabled an expanding array of perpetrators to engage in TNR. Freedom House has documented instances of TNR by more than 40 states targeting émigrés. Nor is the issue limited to diasporas: mainstream journalists, activists, academics and even lawyers have increasingly been targeted, including Hong Kong tycoon Jimmy Lai's international legal team. A diverse and expanding array of groups and individuals now face intensifying infringements on their exercise of basic rights — and even professional functions — due to TNR.

What steps has the Government taken to address transnational repression in the UK? What departments have been involved in these steps? How effective is coordination between departments?

12. The previous government established a “Defending Democracy Taskforce” (DDT) under the Security Minister. Although the DDT has conducted some important outreach to affected communities and some local police services regarding TNR threats faced by people within their jurisdiction, resource constraints and the fact that much TNR manifests without the commission of actionable crimes on UK territory, mean its effectiveness in countering TNR's effects has been limited.
13. The conclusion of my own research is that the Government's categorization of TNR within the broad concept of “foreign interference” that also includes electoral interference, espionage, improper lobbying, elite cooptation, cyber intrusions and various other national security threats, is a key reason why policy responses have so far been ineffective. In the UK as elsewhere, aggregating TNR with various national security issues, to be dealt with primarily by relevant national security bureaucracies, has limited the focus to narrower national security dimensions of TNR, including the risk that targeted individuals might be coerced into cooperation with foreign intelligence agencies. This recasts the targets of TNR as potential national security threat vectors — a partial, misleading and potentially discriminatory characterisation of the problem as a whole.

To what extent has entry into force of the National Security Act 2023, in particular the new offence of foreign interference and the Foreign Influence Registration scheme, helped to strengthen the UK's ability to tackle transnational repression?

14. The NSA 2023's inclusion of provisions on foreign powers' interference with “Convention rights” protected under the *Human Rights Act 1998* is helpful.

Prosecutions should be brought against perpetrators wherever possible. However, it is crucial that the government recognize that criminal proceedings are far from sufficient to counter TNR, as it very often arises as a result of acts committed outside UK jurisdiction, such as intimidation of family members in the target's country of origin, cyber attacks, extraterritorial censorship and online harassment campaigns that may be mounted from abroad without commission of a crime on UK soil. In short, the law should be properly enforced, but only offers a partial solution.

How effective is other UK domestic legislation in preventing instances of transnational repression? What gaps have been identified and how may they be addressed?

15. There is no evidence to suggest TNR incidence has declined since the enactment of the 2023 NSA. The lack of evidence in turn relates to the need for systematic monitoring of the issue from a rights-protection, rather than law enforcement perspective.

What international legal obligations does the UK have in relation to transnational repression? Are there further steps, including legislative, that the UK should take to give effect to those obligations?

16. Under the International Covenant on Civil and Political Rights (ICCPR) Article 2, a State has the obligation to “ensure within its territory” the rights listed in the Covenant, and “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.” 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.” The UK's Human Rights Act 1998 accordingly obliges the Government to ensure individuals can exercise their fundamental rights such as freedom of speech, association and protest.
17. In short, the UK government is obliged to monitor, provide support, and where possible enable access to redress to targets of, TNR in the UK.⁶ A comprehensive, rights-focused response to the issue of TNR offers an opportunity for the UK to lead the world not only in fulfilling its international legal obligations, but more broadly in ensuring democratic resilience in an era of authoritarian advance.

Conclusion

⁶ For further details, see Chubb and Roberts Lyer, “Transnational Human Rights Violations,” supra note 1.

18. 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:

1. Providing a central, accessible, trusted point of contact for targets of transnational human rights violations to report and obtain support and informed referrals to other relevant government departments;
2. Monitoring the situation of transnational human rights violations in the UK;
3. Advising and raising awareness among government and non-government stakeholders;
4. Developing policy proposals and mechanisms to penalise perpetrators of transnational human rights violations;
5. Engaging in collective advocacy internationally via membership of the inter-governmental Global Alliance of National Human Rights Institutions (GANHRI).⁷

A more detailed proposal for the TRIPO can be found in commentary published by Foreign Policy Centre, Civitas, and the *Journal of Human Rights Practice*.⁸

19. **Establishing a TRIPO presents an opportunity to 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. Aside from addressing the glaring blind spot in current UK human rights protection arrangements, It will enhance public visibility on foreign (particularly adversary) state behaviour inside the UK, improve community confidence and interface between targeted diaspora groups and the UK government, enhance social cohesion, generate evidence-based policy proposals and independent advice to government departments, and develop sanction mechanisms for TNR and other transnational human rights violations at arms length from parliamentary politics.

(Feb 2025)

⁷ Global Alliance of National Human Rights Institutions (GANHRI) <https://ganhri.org/>

⁸ See "Meeting the Challenge of Transnational Human Rights Violations in the UK: The case for a Transnational Rights Protection Office," Foreign Policy Centre, 28 September 2023, <https://fpc.org.uk/meeting-the-challenge-of-transnational-human-rights-violations-in-the-uk-the-case-for-a-transnational-rights-protection-office/>; Andrew Chubb, "Tackling transnational repression in the UK," in Robert Seely and Robert Clark, *Living with the Dragon: What does a coherent UK policy towards China look like?*, pp. 62-64, <https://www.civitas.org.uk/publications/living-with-the-dragon/>; Chubb and Roberts Lyer, "Transnational Human Rights Violations," supra note 1.