

NYU LLM Pro Bono Research Projects 2023-24
Project Proposal – Human Rights in China
Research on Hong Kong

A. Description of Organization

Human Rights in China (HRIC) is a nongovernmental organization founded in March 1989 by overseas Chinese students and scientists. Our small and committed staff brings diverse expertise in Chinese and international human rights law, Chinese politics, language, and culture, as well as internet policy issues. HRIC’s mission is to support and strengthen domestic civil society actors through the advancement of international human rights and the institutional protection of these rights in the People’s Republic of China (including Hong Kong).

B. Overview of Research Topic(s) & Scope

Context:

In June 2020, the Standing Committee of the National People’s Congress (NPCSC) unanimously passed the sweeping *Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law or NSL)*. The NSL prohibits acts of secession, subversion, terrorism, and collusion with foreign forces and creates a set of new implementing entities, all effectively under the control of the Communist Party of China (CPC).

After three years, the NSL has been used by the CPG as an instrument of comprehensive ideological and political control of Hong Kong that is rapidly dismantling legally-protected rights and the rule of law. Hong Kong civil society is now facing a historic low point in rights repression, exacerbated by China’s expanding transnational repression chilling cross-border cooperation and support. CPG policies and new laws present additional challenges for the future of data governance and open access to information in Hong Kong, in particular the CPG’s overarching data policy to control all data—their movement, production, and distribution—and the consumption of resources and ideas.

Hong Kong’s governance and legislative deficits, including ineffective anti-corruption bodies and the lack of an archives law and a freedom of open information law, undermine the right to information, right to know, and right to participate—citizen rights that are essential for promoting democracy progress and ensuring government transparency and accountability.

Suggested research topic(s):

1. International Human Rights Law & Digital Rights

- What are digital rights and Internet Freedoms? What are the fundamental human rights and liberties that are relevant to the discussion (for e.g., freedom to access information)?
 - Exploring the intersection of international human rights law and digital rights: how can the promotion and protection of “traditional” international human rights norms and concepts translate into digital rights online and on the Internet?
2. Current impact of NSL on digital rights and Internet Freedoms in Hong Kong
 - Extra-territorial impact of NSL on Hong Kongers in diaspora, with a focus on digital rights and Internet Freedoms. In particular, how are Hong Kongers residing in the U.S. affected?
 - What other legislation work against protecting and promoting the digital rights and Internet Freedoms of Hong Kongers inside and outside of Hong Kong?
 3. Sino-cization of Hong Kong via PRC data and internet policies
 - What are the Chinese legislation and policies that have adversely affected Hong Kong in turn? How has that transformed Hong Kong’s civic space?
 - How have the effects of transnational repression been experienced by Hong Kongers and what are the long term consequences of that?
 4. Exploring positive narratives and a hope-based approach
 - How can Hong Kongers within and outside of Hong Kong continue to advocate for human rights and democracy without being unfairly prosecuted or feeling threatened by the NSL and other policies?
 - What examples of positive narratives are there?

C. Relevance of Project(s) & Intended Audience

According to the guidelines set out by the New York State for pro bono requirements, a non-paid legal research project as such with HRIC will fall under advocacy work that “advocate for victims of alleged human rights violations or the protection of civil liberties.”¹ We believe that HRIC’s research efforts will go a long way in improving the access to justice of Hong Kongers, especially those in diaspora in the U.S.

In December 2022, the Hong Kong authorities released its latest census data: in 2022, Hong Kong recorded its highest net population loss and lowest birth rate since 1991, pushing the median age from 31.6 to 46.3 over this 30 year period. The mass exodus of Hong Kongers in recent years to Taiwan, the U.K., Canada, and the U.S. have been exacerbated due to the promulgation of the NSL.

In January this year, the Biden administration granted a two-year stay of deportation for Hong Kongers in the U.S. who left amid what the administration calls a “significant erosion of human rights and fundamental freedoms” as Beijing tightens its control over the special

¹ <https://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>

administrative region. According to the administration, over 10,000 people have been arrested on other charges related to 2019 anti-government protests in Hong Kong, and the Washington-based Hong Kong Democracy Council says there are at least 1,300 political prisoners currently in Hong Kong.

For the thousands of Hong Kongers who have relocated to the U.S. after the NSL, the threat of persecution under the NSL still looms over their heads due to the extra-territorial effect of the NSL as well as the authorities' retrospective application of the law. The research of HRIC, focused on digital rights and Internet Freedoms, would ensure that Hong Kongers continue to be able to exercise their rights to freedom of expression and to freedom of peaceful assembly on the Internet, which has become crucial and inevitable for many Hong Kongers who have been compelled to leave their family, friends, and lives behind when they relocated.

D. Links to Relevant Websites

- <https://www.un.org/techenvoy/content/digital-human-rights>
- <https://new.hrichina.org/>
- <https://www.hrichina.org/en/press-work/press-release/too-soon-concede-future-implementation-national-security-law-hong-kong-hric>
- <https://www.info.gov.hk/gia/general/202212/29/P2022122900259.htm?fontSize=1>
- <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/01/26/memorandum-on-extending-and-expanding-eligibility-for-deferred-enforced-departure-for-certain-hong-kong-residents/>

E. Preferences for Student Participants

It would be a bonus for student participants to be fluent in Mandarin Chinese and/or Cantonese, but it is not a must. No professional experience is required.