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Chair: The Honourable Geoff Regan



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• (1105)

[English]

The Chair (Hon. Geoff Regan (Halifax West, Lib.)): I call this meeting to order. Welcome to meeting number 11 of the House of Commons Special Committee on Canada-China Relations. Pursuant to the order of reference of July 20, 2020, the committee is meeting on its study on Canada—China Relations.

Today's meeting is taking place by video conference.

[Translation]

Here are a few rules to make sure that the meeting proceeds well.

Interpretation in this video conference will work much like in a regular committee meeting. You have the choice, at the bottom of your screen, of either Floor, English or French. As you are speaking, if you plan to alternate from one language to the other, you will need to also switch the interpretation channel so that it aligns with the language you are speaking. You may want to allow for a short pause when switching languages.

Before speaking, wait until I recognize you by name. When you are ready to speak, you can click on the microphone icon to activate your mike. A reminder to members and witnesses that all their comments should be addressed through the Chair.

If members wish to speak outside the time they are given for questions, they should activate their microphone and indicate that they wish to raise a point of order. If members want to comment on points of order raised by other members, they must use the “raise hand” function to indicate to the Chair that they want to speak. To do so, you must click on “participants” at the bottom of the screen. When the list appears beside your name, you will see an option allowing you to raise your hand.

Please speak slowly and clearly. When you are not speaking, set your microphone to mute. Headsets are strongly recommended.

[English]

Before we get started, can everyone click on the top right-hand corner of their screen and ensure that they are on gallery view? With this view you should be able to see all the participants in a grid view, ensuring that all video participants can see one another. As is the case during in-person meetings, the public will only see the participant who is speaking.

It is now my pleasure to welcome our first panel of witnesses. From Columbia University we have Michael C. Davis, professor,

Weatherhead East Asia Institute, Woodrow Wilson International Center.

• (1110)

[Translation]

Mr. Stéphane Bergeron (Montarville, BQ): If I may, Mr. Chair—

The Chair: Is there a problem, Mr. Bergeron?

Mr. Stéphane Bergeron: Yes, Mr. Chair. Well, no, there is no problem, but I want to prevent one.

You may remember that, at the last meeting, there was a problem with the interpretation because witnesses had not chosen the appropriate language and were set to the floor channel. Consequently, there was no interpretation and that caused a problem in my final round of questions. I just want you to make sure that the witnesses know that, when we speak to them in French, they must click on the English channel to be sure that they have the interpretation. That will prevent the same problem we had last time.

Thank you for your indulgence, Mr. Chair.

The Chair: Not at all, Mr. Bergeron. That is helpful and important advice for us.

I imagine that all the witnesses clearly heard the interpretation and understand what they have to do when their turn comes.

[English]

From Hong Kong Watch we have Benedict Rogers, co-founder and chair. From the Toronto Association for Democracy in China, we have Cheuk Kwan, the immediate past chair, and Avvy Yao-Yao Go, board member, barrister and solicitor, clinic director, Chinese and Southeast Asian Legal Clinic.

Each witness or organization will have seven to 10 minutes to make an opening statement, followed by a round of questions from the members. I just want to make it clear to the witnesses that once a member has started to ask you questions, I'm asking the members to indicate who they would like to respond, or in which order they would like you to respond, because I think that will save us time. Once one of the members in their period for questions has asked you to comment, you don't need to wait for me to call on you.

We'll start if we may with Professor Davis for up to 10 minutes. Please proceed.

Mr. Michael C. Davis (Professor, Weatherhead East Asia Institute, Woodrow Wilson International Center, Columbia University): Thank you, Mr. Chair, and thank you to the committee for inviting me. I hope I am heard okay.

I should note that in addition to being a U.S. scholar nowadays, I spent 30 years in Hong Kong as a professor of constitutional law and human rights, and I continue to teach there. I'll be teaching two human rights courses via Zoom this fall, so I am very much involved. I have been a public intellectual in Hong Kong throughout these many years.

What I want to talk about, as the constitutional lawyer who is starting this testimony, is about the rule of law and the national security law that's now been imposed on Hong Kong.

There are a number of questions about this law. The law itself seems to have a status as high as that of the Basic Law of Hong Kong; in fact, I would say it's higher, because under Chinese national law and legislation, the last law enacted—as is common in many countries—takes precedence over any conflicts with previous laws. The Basic Law of Hong Kong is an older law; it's more general, and the national security law is more specific.

The way it was enacted already imposed something on Hong Kong in a very offensive way. None of the law was leaked to the public until the day it was promulgated. We were told that even the chief executive did not know what was in the law. Contrary to China's own national law and legislation and Hong Kong's practice, there was no consultation with the public. This law was just imposed on Hong Kong.

The national security law, on its face, says that it's superior to all local laws. I would argue that it effectively includes the Basic Law of Hong Kong, which is the foundation of rights protection in Hong Kong.

The national security law says explicitly that the courts cannot really review it. It's not subject to constitutional review, and it's not subject to review under the Basic Law, so if a judge receives this law in court, he has to pretty much apply it, and the Standing Committee of the National People's Congress has the ultimate power to interpret it. The idea that the courts would stand as a guardian to protect us is not there in Hong Kong—and I can say I am a resident of Hong Kong, so I would refer to it as “us”. In Hong Kong we will have no opportunity to challenge some of the provisions in this law on subversion, sedition, collusion with foreign governments and so on, if this matter is brought to court.

There is an interesting twist in the law. It provides that only selected judges on a list can hear cases under the national security law, and the chief executive of Hong Kong is to construct that list. If a judge is on that list and he hears cases, if he acts or makes statements in any way that violate national security, then that judge will be dismissed from hearing such cases.

One of the ways that Hong Kong was to preserve the rule of law in the face of the mainland system, where they really don't have the rule of law, was that foreign judges, including Canadian ones, sit on Hong Kong courts. They will not be sitting on these national security cases because they will not be on the list of judges chosen by the

chief executive of Hong Kong, so presumably the choice would be influenced by the expectation of how those judges would behave.

Given all of this pressure on judges, one wonders what they would do if they're confronted with statements from the foreign ministry in Beijing or from mainland officials now appointed in Hong Kong saying how they think a case should be treated.

We don't have to guess at this. Just this week, Jimmy Lai, the publisher of the Apple Daily, was arrested. While the Hong Kong officials referred to him as a “suspect”, he was suspected of collusion, apparently because he provided funding for an organization much like some of the organizations that are represented in testimony today that lobby foreign governments—usually overseas Hong Kong actors.

We don't know for sure because the enforcement of this law is done secretly, so we have a kind of secret police going on now. But presumably the word on the street, as it were, is that he funded an organization called Stand with Hong Kong. We'll see if that proves to be the case.

● (1115)

Interestingly, the foreign ministry immediately insulted him and said he represented a great threat to national security in Hong Kong; I forget the precise words. In any event, they almost prejudged the case. How will a judge react to this? If legal issues come up, knowing that the NPC can override their interpretation, how will they respond to these statements by mainland officials condemning the defendant before he is tried?

The autonomy of Hong Kong is very important. The reason autonomy was given to Hong Kong was that the mainland system is very much at odds with the Hong Kong system. In Hong Kong, as in Canada, we have the rule “of” law. In the mainland system, the common characterization is rule “by” law, where officials sort of stand above the law and take great liberties in interpreting the law.

Now the autonomy is undermined in two ways. One is that a local committee is created, headed by the chief executive, to oversee national security matters. All national security matters are under this committee locally. They would oversee what police can do. This committee has already issued regulations on how the police can behave, which enables searches without warrants, for one thing. There are judges and magistrates who can issue warrants, but those are not needed if the law enforcement officers feel there is some kind of urgency where they could go ahead and search in advance. This is one problem. Within the police, now there's a special unit on national security. Within the prosecution, there's also a special unit on national security. All of this is well lined up. The committee that oversees all of this in Hong Kong answers directly to the central people's government, so autonomy effectively goes out the window in this most sensitive area for Hong Kong's autonomy. Of course, national security is the most sensitive area.

On top of that, there's a mainland office on the safeguarding of national security that's totally staffed with mainland officials. Why they need that, I don't know, because they've also placed an adviser in the local committee. They have an adviser in the local committee who is to advise, but given that the central government is overriding the local committee, presumably that adviser can already supervise local actions. There is a separate office, and the office is totally staffed with mainland officials. People from the state security and public security branches of the mainland will staff that office. Neither the local committee nor that office is subject to review by the local courts. It expressly says in this law that the local committee is not subject to a review, and it says that local courts have no jurisdiction over that so-called office for safeguarding national security. Hong Kong's rule of law pretty much goes out the window here.

There is a long history in Hong Kong of mainland officials saying that when courts in Hong Kong have exercised constitutional review.... The mainland officials often say there is supposed to be no separation of powers in Hong Kong. The idea of the courts stepping up boldly, and challenging what mainland officials say, will be very difficult.

These are the kinds of problems that I thought were worth highlighting here, at the start of this hearing, because I'm sure that a lot of the events that bear out my concerns have occurred. I imagine other speakers will talk about them.

It's interesting to me that mainland officials in this national office, this office set up in Hong Kong, may not even be subject to any law, in a way, because under Hong Kong's Basic Law, only laws in Annex III of the Basic Law apply in Hong Kong. If a mainland official does something that violates mainland law, there will be no jurisdiction over him. In the exercise of his duties, if he violates local law, there will be no jurisdiction over him. We have a kind of secret police who have no real control over them.

I'll close with this. For Hong Kong, these things are very important, because these things are at the heart of why we have one country, two systems. The mainland officials can claim, if they want, that they're upholding one country, two systems, but the reality is that one country, two systems was to be upheld by the institutions in Hong Kong, which were separate from the mainland systems, and that separation has been totally collapsed.

• (1120)

I could write a long essay on human rights protections here as well, but my time is up, and I'd be happy to entertain questions.

Thank you.

The Chair: Thank you very much, Professor Davis.

Now we'll call upon Mr. Rogers from Hong Kong Watch for 10 minutes.

Mr. Benedict Rogers (Co-founder and Chair, Hong Kong Watch): Thank you, Mr. Chair and the committee.

It is a privilege to have this opportunity to speak to you today at this critical time for Hong Kong, and I want to thank you for holding this hearing.

Hong Kong has seen many dark days over the past 12 months, and Monday this week, as has already been mentioned, was among the darkest. The arrests not only of Jimmy Lai, but also of Agnes Chow and other activists, and the raid on Apple Daily's newsroom by 200 police officers, represents yet another brazen assault on Hong Kong's civil liberties and really the death knell for press freedom in particular.

As has already been so ably outlined by the first witness, the imposition of the draconian national security law by the National People's Congress on July 1 has essentially destroyed Hong Kong's autonomy. It marks the end of one country, two systems; it's placed many activists in very grave danger; and it's a flagrant violation of the Sino-British Joint Declaration—and if you didn't already guess from my accent, I'm from the U.K. and am speaking to you from the U.K.—an international treaty lodged at the United Nations. For these reasons and also due to the extraterritorial application of the new security law—which incidentally, it is worth saying, applies to people whether they are Hong Kongers or not, whether they're inside Hong Kong or outside Hong Kong—in effect means that meetings like the one we're holding now could be in violation of Hong Kong's security law. It represents an all-out assault not only on Hong Kong's freedoms and way of life, but also on the international rules-based order.

The subsequent disqualification of pro-democracy candidates for the Legislative Council's elections scheduled for September, and then the postponement for a year of those very elections, disenfranchises Hong Kong people and shuts down one of the few remaining avenues they have had for some level of freedom of expression.

In effect, these events signify the total takeover of Hong Kong by the Chinese Communist Party system. As the Hong Kong Bar Association has said, the national security law undermines fundamental rights and liberties, and the independence of the judiciary and the rule of law.

Among the many human rights violations to highlight, the widespread, consistent, disproportionate and indiscriminate brutality by the Hong Kong Police over the past 12 months in particular requires particular attention.

A recent inquiry conducted by the British Parliament's All-Party Parliamentary Group on Hong Kong into violations of human rights and humanitarian principles by the Hong Kong police force found in particular that "Humanitarian aid workers have been subjected to a variety of treatment that fell short of international humanitarian law and principles, international human rights and the Sino-British Joint Declaration. Treatment aid workers were subjected to included intimidation, harassments, threats, physical violence, and arrests."

In its recently published report, the all-party group cited the shrinking safe space for humanitarian aid workers in Hong Kong. It calls, among other steps, for the establishment of an independent mechanism to investigate the situation in Hong Kong, either through the United Nations Human Rights Council or the General Assembly or through a body such as the International Bar Association. It also calls for the imposition of Magnitsky sanctions on those responsible for permitting the excessive police violence in Hong Kong, including, but not limited to, the chief executive Carrie Lam and the police commissioner.

Let me move on to some specific recommendations for Canada, and I do so with all humility. It's not for me to sit here in Britain and tell Canada what it should do, but these are suggestions that you might like to consider perhaps, together with my own country. I really welcome Canada's decision to suspend the extradition agreement with Hong Kong, but I believe that more could and should be done.

• (1125)

First, I would encourage Canada to work with other like-minded countries to establish an international contact group to coordinate a global response to this crisis. This is an idea that's been put forward by seven former British foreign secretaries. Of course, the early foundations for this have already been laid by the fact that your foreign minister has joined together with his counterparts from the U.K., Australia, New Zealand and the United States on several occasions in statements and this is very welcome. However, I think more could be done to solidify coordination among democratic nations to ensure that the response to this crisis is not simply rhetorical, nor piecemeal, but robust, rapid, unified, and as coordinated as possible.

Second, I urge Canada to impose Magnitsky-targeted sanctions on officials in the Hong Kong government and police force and the Chinese government responsible for human rights violations and this breach of an international treaty. Such sanctions would be extremely helpful because they would be targeted. We don't advocate sanctions against China or Hong Kong or the people of those two places, but on those individual officials directly responsible. I be-

lieve that the Chinese regime does not respond to rhetoric or statements. The only language they understand is pressure, and targeted sanctions would send a clear signal that they would not be allowed to get away with what they've done, with impunity.

Third, I would encourage Canada to publicly support calls for the establishment of a UN special envoy and a UN special rapporteur on human rights in Hong Kong. This proposal was advocated by at least 50 current UN special rapporteurs; several former rapporteurs; the former UN High Commissioner for Human Rights; the last governor of Hong Kong, Lord Patten; and indeed the chairs of the foreign affairs committees of your own Parliament together with the parliaments of Australia, New Zealand, and the U.K.. Shining the spotlight on Hong Kong through a monitoring and reporting mechanism at the UN would be very important in ensuring that human rights violations are not perpetrated with impunity.

Finally, I would urge Canada to again work with other countries to coordinate a lifeboat rescue package to ensure that those who do need to escape from Hong Kong are offered sanctuary and an opportunity to seek citizenship in the free world. This should only be a last resort. The objective should be to exert pressure to prevent Hong Kong deteriorating further into a situation where people need to flee, though the reality is that it is already at an extremely dangerous point. Some activists have already fled the city, and more Hong Kongers will do so in the months and years ahead, either because they are in real danger or simply because they see no future in a city that is stripped of its freedoms.

The United Kingdom, as I'm sure you're aware, has made a very generous offer to Hong Kong's British national overseas passport holders, which is very welcome, but it leaves many of Hong Kong's young people, especially front-line activists, unprotected, because nobody born after 1997 qualifies. Canada could help address this need in various ways.

I close by raising the question, why should any of this concern Canada?

I would say it should be for three reasons: first, because of your history, and you don't need me to tell you about that; second, because you are a country that prides itself on the defence of freedom and human rights; and third, because the Sino-British Joint Declaration is not only an agreement between Britain and China, but an international treaty that concerns all of us who believe in the international rules-based system.

I believe the time has come for the free world to act in defence of freedom, democracy, human rights and the international rules-based order, and that action should be as strong, targeted, and united, as possible.

Thank you very much.

• (1130)

The Chair: Thank you very much, Mr. Rogers.

We'll now hear from the Toronto Association for Democracy in China.

Will it be Ms. Go or Mr. Kwan first?

Mr. Cheuk Kwan (Immediate Past Chair, Toronto Association for Democracy in China): I will go first.

The Chair: Please go ahead.

Mr. Cheuk Kwan: On behalf of the Toronto Association for Democracy in China, I wish to thank the committee for this series of hearings on the situation in Hong Kong.

For too long, we believed that China would abide by international rules of engagement and diplomatic civility as far as respect for the fundamental concepts of the rule of law is concerned. This illusion has now been shattered by the arbitrary arrest of the two Michaels and the retroactive application of the national security law in Hong Kong.

For this presentation, we will focus on two areas that we as Canadians can undertake: first, how to counter China's interventions and interference and protect our Canadian interests and values; and second, what specific programs Canada should adopt to support those in Hong Kong who try to leave. I will address the first issue, and my colleague Avvy Go will address the second issue.

Since the Tiananmen Square massacre in 1989, China has made a concerted effort to mask its human rights abuses and to present a positive image to advance its global ambitions. It has set up hundreds of proxy associations in Canada, many of them empty shells, to influence and interfere in Canadian political, social and cultural spheres and gain access to and influence our elected officials.

Here are four examples of this united-front strategy that Chinese consulates and their proxies have carried out.

They have held community press conferences to support the release of Meng Wanzhou, and more clumsily hired non-ethnic Chinese actors to demonstrate in order to show mainstream support for their cause. They have compelled Chinese international students to demonstrate against pro-Hong Kong rallies by threatening to withhold their government scholarships or harm their families back home if they don't comply. They have cultivated the mayor of a rural British Columbia community for years, using a quote from him praising China's response to COVID-19 on Twitter to burnish China's virus-fighting narrative. Finally, they introduced the Confucius Institute, which CSIS has deemed to be a quasi-spying agency, into an Ontario school board, by hosting a reception for its chair at Beijing's Great Hall of the People, a venue normally reserved for heads of state.

This wholesale and ongoing influence in our civil society has continued for 30 years as part of China's efforts to influence our policies and politics. To dampen or to put a stop to these efforts, we should do the following: one, be vigilant against cyber-attacks and theft of intellectual property from our corporations and research in-

stitutions; two, provide critical assessment of China's takeover of our corporations in strategic industries such as mining and energy resources, as well as institutions that are vital to our national security, such as infrastructure and nursing homes; three, support a national hotline, as proposed by Amnesty International, to coordinate and encourage the reporting of China's harassment and intimidation of our own citizens; four, establish a more stringent process to ensure transparency among current and former elected officials in their relationships with China in order to mitigate and undo foreign influence in our internal affairs; five, coordinate with like-minded allies and join the call for a UN special rapporteur on Hong Kong; and six, apply the Magnitsky Act to sanction officials from Hong Kong and China responsible for human rights violations.

Finally, and this was not in my written script, I want to share with you a news report that came in yesterday about the recent Global Affairs' contract to award a Chinese company with the installation and maintenance of x-ray scanners in our embassies around the world. Not only did two other Canadian companies offer lower bids, but the Chinese company, Nuctech, has been slapped with a five-year tariff by the EU for alleged dumping and engaging in questionable practices. Recently, the company was caught setting up a honey trap to scheme a Taiwanese official into purchasing these machines.

• (1135)

I will now yield my time to my colleague Avvy Go.

Ms. Avvy Yao-Yao Go (Barrister and Solicitor, Board Member, Toronto Association for Democracy in China and Clinic Director, Chinese and Southeast Asian Legal Clinic): Thank you very much, Mr. Chair, for having us this afternoon.

As mentioned before, apart from being a director of TADC, I'm also a lawyer and the clinic director of the Chinese and Southeast Asian Legal Clinic, where we provide free legal services to low-income clients, including many refugees from China.

As we speak, the crackdown on pro-democracy activists in Hong Kong is happening right before our eyes. The arrest of Jimmy Lai confirms that no amount of fame and fortune can protect anyone who dares to speak out against China's dictatorial regime.

With over 300,000 Canadians living in Hong Kong, and several hundred thousand more Canadians of Hong Kong origin living in Canada, the Canadian government has not only a moral duty to act, but also a legal obligation to protect our citizens and their close family members in Hong Kong.

Since the Second World War, there have been many examples of Canada granting status to large groups of people fleeing political persecution and civil war.

While the flame of democracy is being suppressed, Hong Kong is burning. Although we may not be able to extinguish the raging fire, we must do what we can to contain its damage and save as many lives as possible.

To that end, we're calling on Canada to take the following actions.

First, Canada should expedite family sponsorship applications by Canadians for their families in Hong Kong, including spousal sponsorship and sponsorship for parents and grandparents. Canada should also expand the family class program to facilitate reunification of Canadians with other family members in Hong Kong.

Second, as soon as the travel ban is lifted, Canada should issue more temporary resident permits or work visas to Hong Kongers, as well as student visas to young people who want to continue to pursue their studies in a safe environment.

Third, we should create a special program to grant permanent resident status to the Hong Kong activists involved in the pro-democracy movement who are already in Canada, similar to the special program created for the thousands of Chinese nationals present in Canada after the 1989 Tiananmen Square massacre.

Finally, for those activists who have been arrested or are in imminent danger of arrest, we should direct the Canadian consulate in Hong Kong to issue temporary resident permits and travel documents to facilitate their safe and immediate exit from Hong Kong should they choose to leave. Upon their arrival in Canada, we should provide them with protected person status or permanent resident status.

Hong Kong people have stood up against a powerful authoritarian regime to safeguard the core values of democracy and freedom of expression. It's incumbent upon all of us as Canadians to provide meaningful support.

Thank you.

• (1140)

The Chair: Thank you very much, Mr. Kwan and Ms. Go.

We'll now proceed to questions. The first round is a six-minute round.

I will ask Mr. Genuis to proceed.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Thank you very much, Mr. Chair.

Before I get into questions for our excellent witnesses, I have a couple of quick housekeeping things. I want to give other committee members notice of the following motion:

That this Committee prepare a report on the situation in Hong Kong, to be tabled following the completion of hearings looking specifically at the situation in Hong Kong.

That's a notice of motion. I'm not moving it at this time. I also want to suggest to you, Mr. Chair, that in light of that notice of motion, and a motion that we previously adjourned debate on, that we consider scheduling 20 to 30 minutes to discuss these motions after the witnesses at the end of Monday's meeting. I'll put that out there for your consideration and the consideration of other members.

Now I'll go to my questions for the witnesses.

Thank you for your excellent testimony. It's important that we hear that Magnitsky sanctions are a recurring theme not only in these hearings on Hong Kong but really across the board. I really appreciated Mr. Rogers' clear statement that the Chinese regime does not respond to statements or rhetoric, but to pressure.

I want to also single out Mr. Kwan's comments on Nuctech. I think they're so important that we should take a look at what happened here from the government on this Nuctech issue. Given what we're finding out now, it looks like this is either historic stupidity, explicit corruption or maybe someone here getting caught in some kind of honey trap. It's just so bizarre that it's hard to explain any other way, and I think we really need to get to the bottom of that.

Thank you, Mr. Kwan, for your comments on that.

I want to drill further now into the immigration and lifeboat questions with Ms. Go and Mr. Rogers.

In the opposition, we've been calling on the government to have and to articulate a plan for helping Canadians who want to leave Hong Kong to be able to do so. I'm quite concerned that the Government of China could take action against Canadians living in Hong Kong. Canadians are well aware of the case of Michael Kovrig and Michael Spavor. One of our witnesses at the last meeting referred to the possibility of "thousands of Michaels" being used against Canada—really the escalation of hostage diplomacy on a massive scale—if efforts are made by the Chinese government to prevent Canadian citizens, citizens of other countries, and human rights defenders who might want to claim asylum from being able to leave Hong Kong. I think we've already seen efforts by the Chinese government to make it more difficult for British nationals to leave in response to the schemes put forward by the British government.

Maybe, Mr. Rogers, I'll ask you first. What efforts are we seeing by the Chinese government to prevent foreign nationals from leaving, and what should Canada do to plan for that scenario and be prepared to ensure the security of our citizens?

Mr. Benedict Rogers: Thank you very much for that very important question.

So far, what we have seen are mostly threats by the Chinese government. I'm not aware of concrete steps yet, but certainly there's the threat to not recognize the British national overseas passport, and that obviously could cause complications for people leaving Hong Kong. So far a number of people have been able to leave and have come to the U.K. Since the security law was introduced, I think that at least 60 people—maybe more by now—are in the U.K., but there is that threat not to recognize the BNO passport.

Of course, there are all sorts of threats against British interests, British companies. They're fairly general threats at the moment, but I think we should brace ourselves for those repercussions. That is all the more reason that we—your country and my country—should be trying to help our citizens get out now while they still can.

Mr. Garnett Genuis: Thank you very much. We're seeing threats of preventing people leaving, and it seems like there's a real risk of this kind of hostage diplomacy accelerating and growing to include more people.

I see you nodding, Mr. Rogers. Thank you for that.

Ms. Go, do you want to wade in on this same question, in terms of a lifeboat scheme? What is the likelihood of the Chinese government trying to make it more difficult for us to help people in Hong Kong get out, and what kind of countermeasures should the government be prepared to take?

• (1145)

Ms. Avvy Yao-Yao Go: For now, if you're a Canadian citizen, chances are you still will be able to get out. The problem is there are many.... For instance, there are some legislative council members in Hong Kong who gave up their Canadian citizenship status in order to run for election. I'm not sure how the Canadian government.... Whether or not we will regard them as Canadian citizens anymore is a question. Also, even if they are Canadian citizens, they may have family members who are not—either permanent residents or citizens of Hong Kong—so they may not choose to leave at this point, and it may become more difficult for them to leave in the future.

My other concern is that Canada may start to impose visa requirements on people from Hong Kong as well. Let's say you're a Canadian citizen living in Hong Kong, but you have family members in Hong Kong and you want to bring them with you to Canada. They may not be able to do so unless we have some requirements to allow them.

Right now, on top of everything else, there's also a travel ban, so unless you have family members who are a spouse and dependent children in Canada, you can't even come to Canada.

There are many layers of problems right now.

The Chair: Thank you very much, Ms. Go.

Thank you, Mr. Genuis.

We will now go on to Ms. Zann for six minutes.

Ms. Lenore Zann (Cumberland—Colchester, Lib.): Thank you very much.

Thank you all so much for being here. This is a very serious issue, and it's very concerning, about democracy, really, around the world.

I watched a television interview recently with the Apple Daily founder Jimmy Lai. He had tears in his eyes as he was talking about his love for his country and also his fears about possibly being arrested, but he said he had to say what he had to say because he was dedicated to the truth and making sure that the truth gets out. My heart is with him and with his family. He said he has some family members here in Canada. I'm truly concerned for him and for all other journalists who are being arrested and who are in a state of chill right now in Hong Kong. Several other pro-democracy supporters were also arrested when he was, and the Apple Daily's offices were apparently searched by as many as 200 police officers.

My question is this: Is there any particular timing on this? Were they looking for anything in particular, do you think? How should the international community, including Canada, respond to the arrest of media representatives and student leaders in Hong Kong?

Who would like to respond to that? Would you, Mr. Davis?

Mr. Michael C. Davis: Yes, I'd be happy to.

I think, of course, the searching of the newsroom was a fishing expedition. I've been told that they're doing a case approach, so the case that explains a lot of the arrests so far is really important to Canada and the United States because it's the case against people who have formed organizations abroad to support Hong Kong.

One of those organizations is called Stand with Hong Kong. Another one is the Hong Kong Democracy Council. I think your hearings will include a member of that council who's already the target of an arrest warrant for basically lobbying his own Congress, the U.S. Congress. He's an American citizen, Samuel Chu, and his work with the Hong Kong Democracy Council was essentially to lobby Congress for the Hong Kong Human Rights and Democracy Act.

What we're doing right now in this hearing could wind up getting arrest warrants for all of us, because under that law, which extends globally, one of the things they target is the seeking of sanctions against China or Hong Kong by a foreign government. Lobbying to get sanctions...and the questions and answers we're having today might be interpreted accordingly, or even if we say things today that might cause people to hate China, then we also run afoul of that law. This hearing is very much in the target of that.

What I think they're doing now is using these cases, so I'm expecting more and more targeting of people who have these organizations abroad that are seeking sanctions and people who testify abroad.

Jimmy Lai was apparently a long shot in this, but he's been a target for them for many years, as they would view him as a great sinner. His only sin, apparently, was allegedly providing funding for organizations that lobby governments and parliaments such as yours.

These are things that are basic freedoms that people, even lobbying their own government, are going to be charged with, serious crimes where the punishment is three years to life in prison. This is what's going on.

• (1150)

Ms. Lenore Zann: This is for any of you. When you see the news, you see people on the streets of China interviewed, and they say, "No, this is fine. It's to protect China and to protect our society so that we're all one." Can any of you speak to that and how the people in mainland China are receiving a certain type of news or getting mixed news? Or are they only getting state news that is telling them one thing?

Mr. Cheuk Kwan: I will speak to that.

Ms. Lenore Zann: You have one minute.

Mr. Cheuk Kwan: I believe that, as of July 1, the Hong Kong people have it worse than the Chinese citizens in mainland China. This is an anecdote, but this is something very true. In the past, I have not seen as much censorship and self-censorship imposed on Chinese citizens as we can see in Hong Kong. I think this is a grave situation that we need to worry about. In my mind, China doesn't care. China will sacrifice Hong Kong. What's six million people when Mao or Deng Xiaoping once said, "What's a million people killed in a famine? We have a hundred billion", or whatever it may be.

In this case, I think the callous attitude that China has right now for Hong Kong is equivalent to what they are doing in East Turkestan, in Xinjiang, as well as in Tibet. It almost approaches a cultural genocide.

The Chair: Thank you very much.

Thank you, Ms. Zann.

[*Translation*]

Mr. Bergeron, you have the floor for six minutes.

Mr. Stéphane Bergeron: Thank you so much, Mr. Chair.

My thanks to our witnesses for their extremely enlightening testimony.

There is so much to say and so many questions to ask about the extradition law and the fact it has not been adopted in Hong Kong. In a way, that law has been bypassed by the adoption of a law with much greater scope, the law on national security. It can be applied extraterritorially. In addition, local authorities have every latitude to determine what constitutes a breach of national security. We could potentially come back to the status of the joint declaration treaty

and the resignation of the director of public prosecutions. Basically, a whole host of questions may arise.

I would like to continue along the same line of questioning as Mr. Genuis, about the activists leaving and how those departures could be made easier by various Western democracies. Clearly, Mr. Genuis was bringing up the possibility that the Chinese government may respond by a large-scale hostage-taking policy. The possibility has also been mentioned that the Chinese government may well want to prevent the departures.

However, I would like to go back to two of Mr. Rogers' statements that seemed contradictory to me. During his presentation, he seemed to indicate that receiving activists was supposed to be a measure of last resort, leaving a sufficiently large force in place in order to continue the struggle for democracy in Hong Kong. But, when replying to Mr. Genuis, he said that we had to make it possible for activists to leave immediately while there was still time to do so.

I would like to let Mr. Rogers be more specific with his thoughts as to whether we have to welcome militants quickly, which may well have the opposite effect of leaving Chinese authorities with a free hand in tightening their authority over Hong Kong.

• (1155)

[*English*]

Mr. Benedict Rogers: Thank you very much.

I fully accept that it's an incredibly difficult dilemma. That's really what I was trying to illustrate in my statement. In principle, this course of action should be a last resort. We should be trying to do everything possible to prevent further deterioration of the situation. On the other hand, as I said in my statement, we have to recognize that Hong Kong is now in very grave danger. There are individuals who are currently in very grave danger.

My direct answer to you is that we should be doing both. We should be trying to use whatever tools we have to put pressure on the authorities to stop this erosion of freedoms, but simultaneously, for those who need to get out now and who might potentially be prevented from doing so if the situation deteriorates further, we should be trying to get them out now. Ultimately, individuals will make their own decisions as to whether they want to stay and continue the struggle or get out. For those who do need to get out, I think not only Canada but also the free world should be working together to coordinate a plan to enable them to do so. That might involve some form of asylum for some, but it may also involve study and young talent programs and other schemes that together we could come up with.

I hope that answers the question.

[*Translation*]

Mr. Stéphane Bergeron: Thank you so much, Mr. Rogers.

Perhaps we could ask Ms. Go to complete that answer, if she wishes.

[*English*]

Ms. Avvy Yao-Yao Go: I totally agree that we should do both at the same time. We have been advocating for human rights in China for years, and we will continue to, as refugees from China and as those who have decided to flee China. So we should do that.

Of course, if we do want to allow people from Hong Kong to come here, then sooner rather than later would be better. That's not only for them; that's also for us, in part because of the danger that some of the witnesses have mentioned about the hostage situation, that China is holding Canadians as hostages in Hong Kong.

I would certainly urge that we do now what is needed to be done. Given that there is a travel ban, the consulate has to take immediate action and even in some cases provide travel documents for those whose documents have been seized by Hong Kong.

[*Translation*]

The Chair: You have 30 seconds left, Mr. Bergeron.

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

It would not be respectful to give the witnesses so little time to answer.

Let us move to the next round of questions.

The Chair: I appreciate that very much.

Mr. Harris, you have six minutes.

[*English*]

Mr. Jack Harris (St. John's East, NDP): Thank you, Chair.

Thank you to our witnesses. It's very difficult to use six minutes to respond adequately and to ask questions about all of the representations that have been made. They're quite valuable, and I wish we had a full session with each of you separately.

Can I ask you, Professor Davis, for clarification on one of the consequences of the new law? You referred to collusion with foreign governments. My understanding of the law is that it's broader than that, and that in fact it refers to collusion with foreign governments or foreign interests. Would you clarify that for me, please?

Second, can you tell us whether after the passage of this law, from a constitutional perspective, there is any light, or any distinction left, between the situation in Hong Kong vis-à-vis the law and what applies in mainland China with respect to security and sedition and these other obligations? Are we now talking about not two systems but only one system for the whole country?

• (1200)

Mr. Michael C. Davis: Thank you.

To the first question, the answer is yes. It doesn't just apply to reaching out to foreign governments. It can even be aiding and abetting any kind of thing with foreign individuals. I recently testified in Hong Kong before the law society and I could point out to

them that I am a foreign individual. There were many pro-Beijing figures on that panel. I said, you guys are, in effect, colluding with a foreign individual right now because if I say something that incites hatred towards Hong Kong or China, then you are a part of that collusion with me. Unfortunately, this committee could also be tarred with that.

When it comes to the mainland national security law versus Hong Kong's, oddly the Hong Kong one, in some ways, is worse because the mainland has a kind of principle that its national security law reaches foreign activity only if that foreign activity violates the laws of the country where it takes place, but under the Hong Kong national security law that's been enacted it doesn't matter that what we're saying here today is not violating Canadian law—or American law, for those of us sitting in the United States—it still reaches this behaviour. So if we actually advocate sanctions at this moment, we could be charged under that law, regardless of the fact that we are exercising our freedom of expression.

I think the other thing is that there is a lot of concurrence as well with the mainland system, because these officials now from the mainland are actually coming from the mainland state security and public security bureau. There are apparently going to be hundreds of them, so there is a kind of secret police and what they say and do is all secret. Even with regard to the charges against the people arrested this past week, we are really not clear on what the factual predicate is for the charges. We only have rumours based on the questions that were asked of them when they were interrogated.

This secrecy and this idea that officials are above the law, and whatever treatment you can have.... I didn't mention, because I didn't have time, that under this new law in Hong Kong if these security officials from the mainland want to, they can render you to the mainland for trial, so that if Hong Kongers and foreigners in Hong Kong, including Canadians who happen to be in Hong Kong, are arrested under this law and the mainland officials decide they want to bring them to China to try them, they can do so, which is why, of course, Canada terminated the extradition law.

Mr. Jack Harris: Thank you.

Perhaps I'll end up using my six minutes, but I have another question for you. In relation to the fact that the situation with the Basic Law, the situation of Hong Kong, is based on what's been called a treaty that's been filed in the United Nations treaties, does the U.K. have any special means of enforcing that? Is it a breach of that treaty, a breach of international law per se, or are we looking at other things, like the International Covenant on Civil and Political Rights?

Mr. Michael C. Davis: It's a breach of all of the above. The problem with the Hong Kong joint declaration is that there is no provision for resolving disputes. Since China has not acceded to the world court, the only form of response can be diplomatic, which is one way of resolving international disputes, so that's the case.

I would say not just the U.K., but also Canada, because all of these countries were asked to rely on China's commitments under the joint declaration on the Basic Law as a condition of Hong Kong's special treatment, so once China stops adhering to that, they have every reason to complain. This is not purely an internal affair. There's a kind of partnership over how Hong Kong would be treated, and the partnership is being violated.

Mr. Jack Harris: Thank you very much for that clarification, because that gives a strong basis for Canadian action on this with that context of Canada's support for the agreement and its actions since that time in treating Hong Kong in a special way. That's very useful to our committee.

I don't know how much time I have, Chair.

• (1205)

The Chair: You have about five seconds, I'm afraid.

Mr. Jack Harris: Those five seconds I will leave to the next witness.

The Chair: Thank you very much.

We'll go on to the second round, which will be for five minutes each.

Mr. Williamson, go ahead, please.

Mr. John Williamson (New Brunswick Southwest, CPC): Thank you, Mr. Chairman.

I have many questions; I'm going to jump right in.

Professor Davis, I'm going to try to summarize your testimony and responses.

You talked of media raids, likening it to fishing, which left a chilling impact, of course, on other activists and reporters; rigged elections; handpicked judges; a chief executive overseeing the security apparatus, at least outside that of the mainland officials; secret star chambers; the rule of law in Hong Kong being replaced by rule by law, or whatever we say, from officials in Beijing; and a secret police that sounds an awful lot like what we saw in East Germany, the Stasi.

Should we begin to think of Hong Kong going forward as a quasi-east Germany, Poland, Hungary, the eastern European bloc nations? It's a territory now firmly under the control of Beijing's rule. What say you to that characteristic, looking back in time, in terms of the threat to the people of Hong Kong?

Mr. Michael C. Davis: I would say that that's exactly the case. I hate to say that. As I said, I lived there for 30 years; I'm a Hong Konger. It pains me to see this, and it's all unnecessary. China is trying to control protests in Hong Kong. All it had to do was listen to the Hong Kong people.

This is why I have to stress—and maybe I go beyond the question slightly—that's why democracy has been important in Hong

Kong. Hong Kong has been badly in need of a government that can represent Hong Kong people and voice their concerns. I think foreign governments should be pushing that line as well.

Mr. John Williamson: Thank you.

Ms. Avvy Yao-Yao Go: Can I jump in, because that's what—

Mr. John Williamson: Ms. Go, I'll come to you in a second. I have a couple of questions here but I want to go in order. I appreciate your eagerness.

Professor Davis, as a legal scholar who knows Hong Kong international law, what would your advice be to this committee and its members? Should we consider holding hearings in Hong Kong? What would your advice be to us as federal lawmakers in our standing in that territory?

Mr. Michael C. Davis: My suspicion is that if you tried to do so you would probably find your access, your entry, stopped, if this was publicly known.

Mr. John Williamson: All right.

Mr. Michael C. Davis: They've already stopped the head of Human Rights Watch, just because he was going to go to Hong Kong and release a report. He was turned around at the airport and sent back.

There are a lot of other things you could do besides hearings in Hong Kong.

Mr. John Williamson: That's very interesting. We're already seeing a chilling impact; I know Ms. Go has mentioned that.

Currently, there are no visa restrictions required for Canadians entering Hong Kong or for Hong Kong citizens coming to Canada. We might not get arrested, but we simply might not be permitted entry.

Mr. Michael C. Davis: Yes, you would be turned around. Kenneth Roth was turned around exactly that way.

Mr. John Williamson: Okay.

Your belief is that members who are participating in this committee could well be detained if they made it into either mainland China or.... Let's keep it in Hong Kong, where they had freedoms in the past. We could have said just about anything and been able to travel in and out of the country. That is no longer the case. We could well find ourselves on trial, either in Hong Kong or in mainland China.

Mr. Michael C. Davis: There's a danger of that, but even if you don't go to Hong Kong, which I think might be risky, the sanctions that were targeted against individuals in the U.S. went directly to the congressional committee members.

Mr. John Williamson: Right. Thank you.

Mr. Rogers, very quickly, you're located now in the U.K. Has your group ever been located in Hong Kong, and would you travel to Hong Kong?

Mr. Benedict Rogers: The group has never been located in Hong Kong, but I lived in Hong Kong for the first five years after the handover. I meant to say in my testimony earlier, and I omitted it, that I was denied entry to Hong Kong in October 2017, probably the first of—

• (1210)

Mr. John Williamson: I have 15 seconds to ask you this.

You mentioned that the one country, two systems is caput and that the Sino-British declaration is now null and void. What does this mean for Taiwan?

Mr. Benedict Rogers: I think Taiwan is absolutely next if the international community does not act robustly. I have no doubt that... A parallel was mentioned earlier with Poland and the Czech Republic. I think we're seeing Sudetenland, Czechoslovakia, Poland. We have to act.

Mr. John Williamson: Thank you.

Mr. Benedict Rogers: After Taiwan, we will be next if we don't act.

The Chair: Thank you, Mr. Rogers.

Thank you, Mr. Williamson, for keeping a close eye on your time.

We'll now go on to Ms. Yip for five minutes.

Ms. Jean Yip (Scarborough—Agincourt, Lib.): Thank you all for coming. Your testimony is very important.

My question is directed to Mr. Kwan.

Over the past year, there have been reports of confrontations in Canada between Hong Kong pro-democracy demonstrators and supporters of China's government. What information is available about the nature and frequency of such confrontations? I know you outlined some of it in your opening statement. Also, has there been an increase in confrontations between the two groups since the national security law was introduced?

Mr. Cheuk Kwan: I just want to say that every single pro-Hong Kong rally that was peaceful was met with counter-demonstrations, organized probably by the Chinese consulates and also a lot of international students, or even Canadian residents, who are what we call "Ferrari-driving students", who have come up and attempt to perpetuate violence against these pro-Hong Kong rallies. You might have heard that from other groups that have presented before me. This is an ongoing problem.

This is why my testimony today is focused purely on what we can do in Canada. I know that we can talk all we want about what we can do for Hong Kong, but we're going to be met with a stone wall erected by China. As a proactive way for Canada to move forward, I think we have to protect our citizens.

I want to thank you for bringing this question up, because Amnesty International, together with a bunch of our organizations, has issued a harassment report. The Chinese government and Chinese consulates openly harass people like me.

I will point out one last thing. I have been involved in human rights for the last 30 years. I don't think I will be transiting through Hong Kong anytime soon, nor will I even want to go to a country that has an extradition treaty with China. Nor will I fly Cathay Pacific, because the Chinese have threatened that because Cathay Pacific is a Hong Kong airline, registered in Hong Kong, China has a right to abduct me and bring me back to China for trial, or whatever it may be.

I want to point out two famous cases from a couple of years ago, when the Hong Kong Causeway Bay booksellers, a Swedish citizen and a British citizen, were abducted and disappeared from Hong Kong for months, without anyone knowing where they were. This is something that I think is gravely concerning for us as Canadians.

Ms. Jean Yip: There are 600,000 Canadians of Hong Kong descent living in Canada. I'm sure they share many of your concerns. What can be done to protect those Canadians with ties to Hong Kong?

Mr. Cheuk Kwan: I want to defer to Avvy Go on this. I think she's more of an expert in terms of the legality as to what a high commissioner can do in Hong Kong.

Ms. Avvy Yao-Yao Go: Sure, but I do want to point out that if we start treating Hong Kong as part of China, I'm very concerned that Canada is going to start imposing visa requirements on Hong Kong citizens leaving Hong Kong, which would make it far more difficult for people who want to leave Hong Kong now. I just want to put that out there. Even if you want to consider Hong Kong as part of China, please don't impose that extra barrier for them to leave.

For now, I think Canadian citizens can still come back to Canada. It's the family members and the extended family members, as well as people who have no ties with Canada, whom I most worry about. In the last few months, I've been getting calls from people who have family members who, because they are Hong Kong citizens and not Canadian citizens—they are parents, grandparents—may not be able to come even after the pandemic travel ban era.

Those are the people who may need some kind of immediate action to allow them to come. Maybe we should think about lifting some of the restrictions during the pandemic travel ban, as well as providing some kind of facilitated passage for activists who have no current ties with Canada. If they want to leave, those people must be able to find a way to leave.

• (1215)

The Chair: Thank you, Ms. Go and Ms. Yip.

Ms. Alleslev, you have five minutes, please.

Ms. Leona Alleslev (Aurora—Oak Ridges—Richmond Hill, CPC): Thank you very much, Mr. Chair.

I'd also like to thank all the witnesses for this very important testimony. We are learning incredible things.

I want to direct my question to you, Mr. Kwan. You made some recommendations, and one of the recommendations you made was that we need to have a critical assessment of takeovers of Canadian companies, particularly in energy, resources, mining and other critical infrastructure.

I'm wondering if you could give us an idea of why you're making that recommendation, why that situation might be a threat to national security and what we perhaps should be looking for and what we should do about the results of this critical assessment.

Mr. Cheuk Kwan: I want to give you an example. There was an article by Bloomberg a few weeks ago documenting how Huawei got to where they are today. They stole technology from Nortel through 20 people who had leaked all the technology, whether intentionally or not. They also purchased the rest of the Nortel patents very cheaply off the marketplace. This was because our government at the time, in 2008, refused to fund Nortel, so Nortel basically became a prime target of vulturing by other foreign companies.

Imagine if China had taken over Nortel and built it up again as a strong Canadian company. Its ownership would be in China, and we all know what that would mean: As a Chinese company, it would have to co-operate with Beijing on any spying activities that might occur.

For the second example, from a human rights angle, we have, of course, the famous case of Nexen, in Alberta. It was taken over by a Chinese oil company. The concern there was that they would be importing cheap labour, severely damaging our labour law and dumping prices. In other words, they can be extracting minerals and oil from Canada and selling this off, not at the market price, but at the price they might decide they want to sell it at back to Beijing.

These are economic interests and national security interests.

Finally, I want to mention nursing homes. I know you might be surprised that this is part of our national security, but B.C. nursing homes have been taken over by Anbang, the biggest insurer in China. This has created a lot of problems, from underpaying staff workers to mistreatment of people who are living in the nursing homes. Anbang is also under investigation by China for corruption, so all of that adds up to a failed.... I don't know what's happening with Anbang right now vis-à-vis B.C. nursing homes, but I believe the B.C. government has now taken back control of these nursing homes.

These are just very little things to China, but to us they are vital for our security.

Ms. Leona Alleslev: I want you to clarify something. You said that if a Chinese company has ownership of a Canadian company here, on foreign soil, they still have an obligation to the Government of China. Could you expand on that a bit and highlight why that's such a national security interest to Canada and why we must be aware of it?

• (1220)

Mr. Cheuk Kwan: There are a lot of ways they can do it. Indirectly, they can appoint a board of directors, as China has done with South China Morning Post. Jack Ma, the founder of Alibaba, bought the South China Morning Post and appointed a pro-China

board of directors. As a result, they have practically shut down a once august English-language publication in Hong Kong.

They can do that to any Canadian company. It's just a matter of a takeover. It doesn't even have to be Chinese citizens. It could be Canadian citizens who might be pro-China or would be sympathetic to Chinese requirements. These are the national security and economic interests that are in jeopardy.

Ms. Leona Alleslev: Thank you very much.

The Chair: Thank you very much, Mr. Kwan and Ms. Alleslev.

[*Translation*]

Mr. Dubourg, you have the floor for five minutes.

Mr. Emmanuel Dubourg (Bourassa, Lib.): Thank you very much, Mr. Chair.

First of all, I would like to thank everyone here for bringing us their testimony.

Let me first turn to you, Ms. Go, since you are established here in Canada. The national security legislation, which has now been passed, is extraterritorial in its reach. This week, and beforehand as well, a number of people have come to testify, as you have, and most of them support the pro-democracy movement.

In your opinion, does Canada properly protect those people? You have told us about cyber attacks and we know that people are facing other situations as well. In your opinion, in terms of the measures put in place by the Royal Canadian Mounted Police, the RCMP, or by the Canadian Security Intelligence Service, CSIS, are those measures adequate?

How can we protect freedom, which is so dear to us in Canada, from the influence and the interference of China?

[*English*]

Ms. Avvy Yao-Yao Go: I think there are two ways to understand that question. One is influence and interference, which Mr. Kwan talked about, in the political and economic system in Canada.

With respect to protection, I was born in Hong Kong, but I'm a Canadian citizen. I don't have my Hong Kong citizenship anymore. I feel secure, at least for now, but I will never go to Hong Kong. Just as Mr. Kwan has said, I would not go to Thailand or any other country that may have an extradition treaty with China. Even if they don't, they may send some of us back to China [*Inaudible—Editor*] what they want to have on us.

I'm only secure to the extent that I'm protected by the Canadian system. That protection, I hope, can be extended now to some of the people in Hong Kong who don't have the luxury and the protection that I have. I'm hoping that Canada will facilitate their entry to Canada.

[Translation]

Mr. Emmanuel Dubourg: Okay. Thank you.

We have also talked about the Sergei Magnitski Act and about all kinds of measures, but do you believe that Canada should apply a lot more sanctions in the current context?

I have little time left, but I would also like to know what impact the postponement of the legislative elections has on you.

Thank you.

[English]

Ms. Avvy Yao-Yao Go: I think that Canada should certainly do more and apply the Magnitsky Law to hold accountable the Hong Kong and Chinese officials who are implicated and directly involved in human rights violations. I think that needs to be done. I think a lot of NGOs are there to provide help to government to come up with the list, if you do want that list.

With respect to the election, I think it's just another way of stifling the pro-democracy movement and freedom of expression in Hong Kong. If they were to hold the election today, I think the pro-democracy movement probably would still prevail, notwithstanding the national security law. However, a year from now, that may not be the case, because by then the NSL will be much more severely felt, and people will probably not be able to.... First of all, most of the pro-democracy candidates will have been disqualified. Even for those who remain, I think a lot of Hong Kong people may be afraid to elect who they really want.

• (1225)

Mr. Emmanuel Dubourg: Thank you so much.

[Translation]

The Chair: Thank you very much, Mr. Dubourg.

Mr. Bergeron, you have two minutes and 30 seconds.

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

I would like to go back to a question that was brought up a little earlier about the joint declaration.

The government of the People's Republic of China claims that it is simply a symbolic declaration, whereas the British position is that it is a valid treaty that is registered with the United Nations.

What is the legal status of that treaty in terms of the law on national security? How can it provide a basis for Western democracies to be able to be involved in Hong Kong's cause, which runs counter to China's claims that these are strictly internal matters for the Chinese government?

My questions go to Mr. Davis and Mr. Rogers.

[English]

Mr. Michael C. Davis: Yes, the joint declaration is a treaty. It was registered with the United Nations as a treaty. Both China and Britain treated it as a treaty. There's no question about that. China tried earlier to declare that this treaty was no longer valid, that once Hong Kong was returned there was no cause for it, but if you look at article 7 of the joint declaration, you see that it expressly says

that both parties are obliged to carry out all of its terms until the 50 years have ended. There's no legal dispute as to that.

More importantly, I think, Canada, Britain and the United States and all of the countries [*Technical difficulty—Editor*] Hong Kong separately have been invited. Chinese officials went to your capitals and asked you to treat Hong Kong distinctly. So beyond the treaty, there's this kind of “partnership”, I call it, or arrangement that all of these countries would give Hong Kong special status, which has worked very much to China's advantage. Two-thirds of the companies on the Hong Kong stock exchange are mainland companies. The mainland has used this as a way to gain international investments and a way to make them. The reliance is very substantial—by Canada, by the United States and so on—so you have both a treaty and an invitation to rely on the commitments in the joint declaration and the basic law.

[Translation]

The Chair: Unfortunately, not enough time is left for Mr. Rogers to answer. Perhaps another member will allow him to do so.

Mr. Stéphane Bergeron: Thank you.

[English]

The Chair: We go to Mr. Harris for two and a half minutes.

Mr. Jack Harris: Thank you, Chair.

Mr. Kwan, first of all, let me say thank you very much for your 30 years of championing human rights and for bringing to the urgent attention of this committee the activities of China within Canada. I think it's something that Canada ought to take in hand immediately. Hopefully, we will be recommending that.

Ms. Go, have I got it right about the efforts that we ought to be making in the immigration field that would help right now? These would be expanding family reunification categories so that they're not only for spouses but also for parents and children and other relatives; extending existing visas for students and those already in Canada; offering more student and work visas to residents of Hong Kong; ensuring that there's continued visa-free admission from Hong Kong residents; and facilitating safe exit by perhaps offering travel documents to those who require them because they've been confiscated.

Have I got the complete picture here, or am I leaving something out? Would you like to elaborate on any one of them?

• (1230)

Ms. Avvy Yao-Yao Go: I just have one clarification on the people who are in Canada right now. There are at least 50 people from Hong Kong who are claiming refugee status. I'm suggesting that we grant them permanent resident status, just as we had a program for Chinese nationals after the Tiananmen Square massacre.

Mr. Jack Harris: Thank you. That's an important addition.

We don't normally accept someone as refugee if they are already in Canada, unless they're already declared an international refugee. Is there anything on that score that you would like to comment on?

Ms. Avvy Yao-Yao Go: Yes, the UNHCR has an office in Hong Kong, but, unfortunately, they will not be taking in Hong Kong refugees. Then, in the neighbouring countries, people will have to go there first to make a claim through UNHCR before they are resettled in Canada, so it's very cumbersome and it's very difficult. That's why I think, if we want to help, we should provide a more direct route through the consulate for the people in Hong Kong to try to help them find a way out. It may or may not be possible, and it may not work for all of them, but for some of them who want to leave, at least we should give it a try.

Mr. Jack Harris: Thank you.

The Chair: Thank you very much, Ms. Go.

Thank you, Mr. Harris.

This concludes the time we have available for the first panel today. I know that all members deeply appreciate our witnesses' willingness to come before us today and your testimony. Thank you so much for being here.

We'll now suspend for five minutes or so until we set up for the next panel.

Thank you again.

• (1230) _____ (Pause) _____

• (1235)

The Chair: I call the meeting back to order. Welcome back.

I have a few organizational things to talk about before we go ahead. I'd like to make a few comments for the benefit of the new witnesses.

Before speaking, please wait until I recognize you by name.

When you are ready to speak, you can click on the microphone icon to activate your mike. Having said that, once we get to the questions from members, I'll ask the members to indicate whom they wish to answer their questions. During the question period by each member, you needn't wait for me to call on you then.

Interpretation in this video conference will work very much like in a regular committee meeting. You have the choice at the bottom of your screen of either the floor, English or French.

I remind you that all comments should be addressed through the chair. As you are speaking, if you plan to alternate from one language to the other, you will also need to switch the interpretation channel so that it aligns with the language you are speaking. You may want to allow for a short pause when switching languages.

When you are not speaking, your mike should be on mute. Furthermore, the use of headsets is strongly encouraged.

I would now like to welcome our second panel of witnesses.

We have, from Freedom House, Annie Boyajian, director of advocacy; from the Hong Kong Democracy Council, Samuel M. Chu, founding and managing director; and from the New York Universi-

ty School of Law, Jerome A. Cohen, professor and faculty director emeritus, U.S.-Asia Law Institute.

Each witness organization will have up to 10 minutes to make an opening statement, followed by a round of questions from members.

Now we will start with Freedom House, Ms. Boyajian.

Ms. Annie Boyajian (Director of Advocacy, Freedom House): Good afternoon, thank you.

It is an honour to participate in today's meeting, and thank you for your attention to the important matter of deteriorating freedom in Hong Kong.

I am the director of advocacy at Freedom House, a non-partisan, independent watchdog organization dedicated to the expansion of freedom and democracy around the world. We provide research and analysis on the state of political rights and civil liberties, undertake advocacy on key issues impacting democracy, and carry out international programmatic work to strengthen democratic institutions and civil society capacity.

Our work on China-related issues includes tracking the status of rights and freedoms in our annual publications; special reports on Hong Kong, and on Beijing's global media influence, and on the oppression of religious groups in China; and advocacy work on all of these issues, including vocal support for the imposition of sanctions on officials involved in rights abuses in Hong Kong and mainland China.

As you may have seen, this work landed Freedom House on a list of organizations sanctioned by Beijing last December. We were not deterred, and our continued focus on the rapidly deteriorating rights situation in Hong Kong resulted in Freedom House president, Mike Abramowitz, being one of 11 Americans sanctioned just this week by the Chinese Communist Party for "bad behaviour" related to Hong Kong. The inconvenience these sanctions pose to Freedom House staff pales in comparison to the sacrifices made by those in Hong Kong and mainland China seeking to protect and promote rights and freedoms. It is our honour to stand with them.

Freedom House has tracked a decline in democracy and human rights conditions in Hong Kong over the last decade, alongside increasing interference by the Chinese government. This decline stems from worsening repression in China as a whole as Xi Jinping has intensified efforts to exert control both at home and abroad. Our "Freedom in the World" scores for both mainland China and Hong Kong have never been lower.

The one country, two systems framework that was worked out before the 1997 handover was, as you know, supposed to guarantee autonomy and protection of rights in Hong Kong until 2047. Of course, this has not happened in practice. The CCP began tightening control in Hong Kong long before 2047. The current protest movement, which I must point out was entirely initiated by the people of Hong Kong and is completely citizen-led, began last March and is bigger and more intense than past pro-democracy demonstrations there. Protesters have faced violence from police and pro-Beijing thugs. Some have recorded mistreatment and detention, including sexual abuse, and many have raised concerns about mysterious supposed suicides of protesters.

Unable to silence the justified and growing unrest in Hong Kong, Beijing effectively terminated the one country, two systems model by imposing the sweeping new national security law. As you know, this law effectively criminalizes dissent by anyone in the world, anywhere in the world. Since the law took effect on June 30, we are witnessing the transformation of Hong Kong into an authoritarian state at breakneck speed.

Why should anyone in Canada care about repression in Hong Kong, especially given all that's going on in the world? There are the economic and security arguments. Hong Kong is home to 300,000 Canadians. It is Canada's third-largest market for the export of services, and 13th largest market for the export of merchandise, which together totalled \$5.1 billion in 2017.

What is probably most compelling to the public is the fact that CCP repression in Hong Kong is directly impacting what people are able to do in their daily lives, even in Canada. Canadians living in Hong Kong are, of course, at risk of arrest. They may also fall victim to politically motivated arrests, besides just national security law issues, as we have seen happen in mainland China. You are, of course, well aware of the cases of Michael Kovrig and Michael Spavor. Perhaps less well known is the case of Sun Qian, a Canadian citizen just sentenced in Beijing to eight years in prison for being a Falun Gong practitioner. It is possible that these types of arrests could now also occur in Hong Kong.

Repression in Hong Kong poses a direct threat to those living in Canada too. The CCP is well-known for targeting dissidents and critics living abroad. As you heard on Tuesday, the Canadian Coalition on Human Rights in China and Amnesty International Canada did a wonderful report on the harassment and intimidation faced by individuals in Canada working on China human rights issues. The report found that advocates across Canada are increasingly facing threats, intimidation and harassment for their work on human rights in China. The report also noted that many of these incidents are occurring on university campuses and in secondary schools. We see similar tactics in the U.S.

- (1240)

Hong Kong's national security law takes the risks of intimidation and surveillance a step further. It criminalizes provoking hatred toward the Chinese and Hong Kong governments or colluding with foreign powers. Anyone deemed guilty of subverting state powers or inciting secession could face life in prison. It even applies to actions undertaken outside the region by people who are not even per-

manent residents of the region. This means that anyone in Canada speaking out against repression in Hong Kong could face arrest.

Samuel Chu, an American citizen, faces precisely this scenario. You will hear from him next, and I will let him tell his own story. The fact that he, as an American citizen, is wanted for arrest in Hong Kong due to advocacy work done in the U.S. signals just how far the CCP is attempting to extend repression.

There are also reports that Hong Kong authorities are seeking Jimmy Lai's American assistant, Mark Simon. Mr. Chu and Mr. Simon both risk arrest and possibly decades behind bars were they to travel to any country that might extradite them to mainland China or Hong Kong.

Repression in Hong Kong also impacts the information available to Canadians, the products and services they purchase and the news and entertainment they consume. Many scholars and politicians in Hong Kong have served as important sources of information for policy-makers and academics around the world, not just about what is happening in Hong Kong but also about what is occurring in mainland China and elsewhere in Asia. Many of these voices are no longer accessible. Prominent academics, activists, journalists and political candidates have been arrested in recent weeks. Others have been scared into silence. Political groups and advocacy coalitions have disbanded, removing reports and materials from the web, deleting social media accounts and changing phone numbers and email addresses. We do not yet know the long-term impacts of this loss of critical information, but it is not insignificant.

Hong Kong has also emerged as a new CCP red line for international corporations, which have come under pressure to censor their own communications and products. Air Canada, the Royal Bank and Canadian multinationals like Apple, Amazon and Siemens have all been accused by the CCP of supposedly listing Hong Kong, Macau and Taiwan incorrectly on their websites and have faced enormous pressure to modify their websites accordingly.

In October 2019, the National Basketball Association found itself in hot water after Houston Rockets general manager Daryl Morey tweeted “Fight for Freedom. Stand with Hong Kong”. Chinese officials expressed outrage. The Chinese Basketball Association cut ties with the Rockets, and Chinese state television refused to air Rockets games. The NBA and various players quickly apologized and distanced themselves from the tweet, which in turn sparked criticism from groups like ours that objected to the NBA’s failure to defend free speech. Hundreds showed up to NBA games to protest, including about 300 people wearing “Stand with Hong Kong” T-shirts at the Toronto Raptors season opener. Elsewhere, pro-democracy protesters were ejected from games or had their signs confiscated for holding up slogans as benign as “Google Uighurs”.

Canadian media has also been impacted by repression in Hong Kong and mainland China. Over the past decade, top CCP officials have overseen a dramatic expansion in efforts to influence public debate and media coverage around the world, including pressuring newsrooms to censor content critical of the regime. Two journalists at Canada’s Global Chinese Press were fired in 2016 and 2017 after publishing content deemed displeasing to Beijing.

CCP repression is even making its way into living rooms across Canada via Chinese state-run television. Despite a 2006 ruling by the Canadian Radio-television and Telecommunications Commission that CCTV-4 could continue to operate in Canada only if it remained in compliance with broadcasting regulations, both CCTV-4 and CGTN have broadcast false information about Hong Kong protests and the retention of Uighurs and about 30 forced confessions, all viewable by anyone in Canada who tunes in to these stations.

We at Freedom House are often told that, although repression in Hong Kong is terrible, it doesn’t impact us here, but that’s just not true. CCP repression is already shaping what we can say, where we can travel, the products we buy, and even the news we read. It’s bad enough that the CCP routinely breaks Chinese laws and international commitments by violating the rights of people in mainland China and Hong Kong. The regime certainly should not be permitted to do so in Canada.

I look forward to sharing specific recommendations during the question and answer time. Thank you.

• (1245)

The Chair: Thank you very much, Ms. Boyajian.

Now we’ll hear from Mr. Chu for up to 10 minutes, please.

Mr. Samuel M. Chu (Founding and Managing Director, Hong Kong Democracy Council): Thank you, Chair and committee, for having me.

I am the managing director of the Hong Kong Democracy Council, HKDC, based in Washington, D.C. We are the first U.S.-based organization advocating on behalf of Hong Kong’s autonomy and basic freedoms that is led by U.S. citizens. Our mission is focused on influencing and informing U.S. policy towards Hong Kong and China.

I want to make that clear up front, because on July 30, I went to bed and woke up the next morning with notification and media reports that I am now a wanted felon, or at least a wanted fugitive. Chinese media leaked a report on July 30 that the Hong Kong authorities and police have issued arrest warrants for six pro-democracy activists who are promoting democracy in Hong Kong but are currently overseas. I am one of the six, and the charges are for incitement of secession and collusion with foreign powers. This was part of the national security law that was concocted by Beijing in secret and then rolled out on July 1 and implemented at the same time it was made public for the first time. Both of the crimes that I am allegedly accused of are punishable by life in prison.

I am different from the others on the list and others who have experienced and encountered harassment and arrests in Hong Kong since implementation of the law. I have been an American citizen for 25 years. I left Hong Kong and arrived in Los Angeles, California, in 1990. However, the national security law in article 38 states the following specifically:

This Law shall apply to offences under this Law committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region.

In other words, every provision of the national security law applies to everyone outside of Hong Kong. Nobody is beyond the law’s reach, not me as a U.S. citizen on American soil, not the 85,000 Americans who are living and working in Hong Kong, and not the estimated 200,000 to 250,000 Canadian citizens who are living and working in Hong Kong itself.

My surprising status as an international fugitive illustrates the imminent threat to freedom and free expression that not only Hong Kong pro-democracy activists are experiencing and have been experiencing, but also that we have been warning over the past year is coming to not just American soil but Canadian soil.

Since the implementation of the national security law, we have already seen the direct impact it has had on crackdowns in Hong Kong, specifically with regard to the rights of free speech, free press, free assembly and protest. The first arrest made under the national security law in Hong Kong was of a young person who was wearing a T-shirt that said “Free Hong Kong”. The authorities also targeted a 19-year-old protester whose crime was having a sticker on the back of his phone that simply had the word “conscience” written in Chinese.

In the following days, the government disqualified 12 separate pro-democracy candidates from the LegCo election, which the government eventually postponed for a year. Benny Tai, a professor, who was a co-founder with my father of the umbrella movement in 2014, was ousted from his job as a tenured professor at Hong Kong University. Four young protesters were arrested for posting online that the government claims were inciting secession. Schools have now banned the use of slogans and the singing of the protest anthem *Glory to Hong Kong* in all schools.

As the assault on basic freedoms has been happening, as Ms. Boyajian pointed out, Americans, Canadians and folks in western countries have been watching from afar, from a safe distance, with solidarity through social media and our solidarity protests and rallies. But now, as my experience has shown, you don't have to be in Hong Kong to be in trouble with the Chinese regime and the Hong Kong government. Simply tweeting or re-tweeting someone else's tweet could earn you an arrest warrant and a prison sentence.

• (1250)

Article 38 as written can seem very outlandish, impractical and unenforceable. Its impact is not just in what it can or cannot do legally, but is designed to create a chilling effect that essentially threatens and tries to implicate anyone and everyone who is not just directly speaking out for Hong Kong, but is also connected to people who are speaking out to Hong Kong.

In my case, for example, I can no longer travel to Hong Kong or any countries with any active extradition treaties with Hong Kong or China, or any countries that have friendly relations with China, without risking arrest and almost certain extradition to the mainland. I cannot speak to my elderly parents in Hong Kong without opening them up to, and subjecting them to, investigation and invasive searches by the police. Even anyone who is in contact with me here and who is not in Hong Kong could be blacklisted by the Chinese government or by Chinese-backed financial interests, whose influence is vast, extending from Hollywood to the NBA, Apple and Zoom, which we are using right now for this meeting.

I might be the first to be targeted as a foreign citizen under the national security law, but I will not be the last, because if I can be a target, then anyone who speaks on behalf of Hong Kong, who speaks out against the CCP, can also be targeted.

As I said in my introduction, I am a second-generation pro-democracy advocate. Only about 18 months ago, I was in Hong Kong attending the trial of my father, the Reverend Chu Yiu Ming, who was arrested and then charged for his role in "inciting the protests of the 2014 umbrella movement". He, along with eight others, was convicted of the charges. He was sentenced to two years and, fortunately, because of his age and health problems, his sentence was suspended. This has been happening and will continue to escalate more quickly and more broadly.

My father supported the student movement in Tiananmen Square in 1989 and helped to build the underground railroad that smuggled dissidents out of China into western countries. I was sent away in consideration of the anticipated risk involved in building those operations and being a part of that movement.

That crackdown has happened every day since June 4, 1989. It has been spreading rapidly in Hong Kong since July 1. Two weeks ago, it spread to American soil and it will soon be, and already is, on Canadian soil.

Human rights may not have been a priority in U.S. policies toward China a year ago, but you can be assured that human rights, along with the control and violation of human rights, is the top priority of the Chinese regime. I say this because without it, they will lose control of their government and lose the control they are trying so hard to implement, not just on the mainland and in Xinjiang and

Tibet, but also in Hong Kong, Macau, Taiwan and now in western nations.

Thank you for allowing me to speak today.

• (1255)

The Chair: Thank you very much, Mr. Chu.

Now, Professor Cohen, please, you have up to 10 minutes.

Mr. Jerome A. Cohen (Professor and Faculty Director Emeritus, U.S.-Asia Law Institute, New York University School of Law): We have just heard two wonderful reports. Let me try to supplement what has been said.

I don't know what the three witnesses told you in the first session this morning, but it would seem to me that you've probably heard five first-class statements already.

I want to point out that, of the three witnesses this afternoon, I represent organizations that have not yet been punished by the national security law, but I suppose we have good prospects.

In the past, I've been happy to co-operate with Freedom House and with the new Hong Kong Democracy Council. Perhaps I can rely, as Samuel's father has, on old age as a defence against actual imprisonment, but I can't guarantee anything about conviction.

Let me give some perspective. I first went to Hong Kong in 1961. I lived there in 1962 and 1963. I've been a frequent visitor. I lived there again at the beginning of 1979. I've seen Hong Kong's connection to China develop over many years. Initially, in the sixties, in the early part of the decade, Hong Kong was a classic British colony. To be sure, it was controlled by the colonial authorities, including the special branch of the police, and there were no conventional democratic freedoms. People couldn't elect their own government.

But Hong Kong, despite its severe social and economic problems of the era—which were largely the product of events in China, including the starvation of tens of millions of people in China at the end of the fifties, as a result of the failure of the Great Leap Forward and the political repression that began again in 1957 and 1958 in the so-called "anti-rightist" movement—received many people at its doors. In April and May of 1962, 60,000 people crossed the border from Guangdong province to Hong Kong before the British finally had to close it, because there would have been hundreds of thousands of people waiting on the other side.

Hong Kong had enormous problems then, but it was, essentially, a free society. Indeed, I could say what I wanted. The Brits thought my study of China from a base in Hong Kong suggested that maybe I was a CIA agent or something else, but they were very discreet. Nobody ever tried to stop me from setting up a research institute there. I could say what I wanted, and other people could say what they wanted. So Hong Kong, while not a bastion of liberal democracy, still was a liberal society with many troubles at that point.

Of course, as a result of the Cultural Revolution in China in the late sixties, Hong Kong went through a terrible period of turmoil. The police had to be very active, and by and large, they had popular support. That's a very important thing to understand—the police had popular support.

When I went back to live in Hong Kong at the beginning of 1979, it was a different place. Deng Xiaoping had brought China to a different place. He had presented hope to the people of China and Hong Kong. As a result, the eighties were a dynamic, optimistic, increasingly prosperous time in Hong Kong. You had 1984 marking the joint declaration between the U.K. and China for Hong Kong's future handover in 1997.

• (1300)

However, everything changed, as Samuel's remarks remind us, with the horrific slaughter near Tiananmen Square on June 4, 1989, and other suppression throughout China. That made it more important to try to adapt the Basic Law that was to come out the next year. Too, new fear was marking Hong Kong's population, and only limited impact was made on the new law. But when Chris Patten became the last governor of Hong Kong's colonial rule, he spent five years trying to prepare Hong Kong by guaranteeing people greater political freedoms and protection of human rights, all over the opposition of the pro-Beijing forces in Hong Kong and of the People's Republic government in Beijing. That's why he was denounced in such terrible terms by the Beijing government.

Since the handover in 1997, we have seen a progressive narrowing of freedoms in Hong Kong and increasing control of the Hong Kong government as the instrument, you might say, of the People's Republic in Beijing rather than the representative of the people of Hong Kong. That culminated last year in the enormous popular protest by a couple of million people, at one point, against the attempt to provide for extradition, rendition, from Hong Kong to China of people wanted by the central government for trial.

It's remarkable that although the People's Republic has managed to make, I think, over 40 extradition agreements with other countries, none of the Anglo-American common-law countries has ever ratified an extradition agreement with China. Australia came close. The fact is that Hong Kong has never had a similar agreement with its own central government, because the people of Hong Kong have long known that there is only political justice in the mainland under the Communist regime. That's what they fear. That's what they fought back. Now the new national security law, as you know, has brought extradition to Hong Kong. Indeed, it's brought a whole administration of criminal justice from the mainland to Hong Kong. You don't have to be extradited now to be under the control of the security police of the mainland government. They've come to Hong

Kong. That's the principal accomplishment of the national security law.

You ought to know that Hong Kong has had national security laws inherited from the British colonial period, and hasn't hesitated to invoke them. It's nonsense to say that everyone else has a national security law, so why shouldn't we? Of course national security laws have different content. The content of this one is to install a repressive regime. The central government's security authorities will decide whether they want to transport Jimmy Lai, and even Samuel Chu, if they can get their hands on him, and not only try them in Hong Kong but also transfer them to the mainland for long incommunicado detention, potential torture, denial of access to counsel, inability to meet with family or friends and then a trial before a Communist-dominated court.

If you're tried in Hong Kong, the vaunted independent legal system in Hong Kong has been truncated by the new law. National security offences will be tried before special judges and without a jury. If you think you can challenge it by saying you've misinterpreted the law, that it's too broad, or that you don't understand that it's unconstitutional, given Hong Kong's constitutional background and heritage, that question will [*Technical difficulty—Editor*] Hong Kong, even the court will find on appeal. That question will be decided by the Standing Committee of the National People's Congress.

• (1305)

So Hong Kong is a very different place from what it was in 1997 and what it was when I first got there in 1961.

The Chair: Thank you very much, Professor.

We'll now go to the first round of questions, starting with Mr. Williamson for six minutes.

Mr. John Williamson: Thank you, Mr. Chairman.

Thank you very much to all our witnesses. It is very enlightening to hear from all of you today, and I'm glad you are able to join us and share your knowledge and expertise.

I've got six minutes. I'm going to try to spend a few minutes with each of you. I'll ask you to keep your answers as brief as possible.

Professor Cohen, first, thank you for that brief political history of the territory of Hong Kong pre-, during and then post-handover. Could I ask you to explain a term very briefly, so it is clear to everyone? You referred to justice in mainland China as political justice. You don't mean justice by the ballot box there, do you? What is "political justice", just so that we're clear on the terminology^

• (1310)

The Chair: Professor Cohen, it appears that your screen is frozen.

Would you like to go to someone else, Mr. Williamson? I'm sorry about that.

Mr. John Williamson: I will go to someone else. I'll come back to Professor Cohen.

Chair, I hope you'll indulge me and allow me to reset my time here since we have a technical issue.

The Chair: [*Inaudible—Editor*]

Mr. John Williamson: Mr. Chu, I'm going to make a few statements [*Technical difficulty—Editor*].

In your opinion, have I now violated China/Beijing's, national security law, making me a potential problem for the PRC?

Mr. Samuel M. Chu: The screen froze for a few seconds. You're having a lot of difficulty technically, so I only got the very last part. Could you repeat the first part?

Mr. John Williamson: "I support a democratic China."

"I believe the PRC should embrace democracy."

Mr. Samuel M. Chu: Welcome to the club of international fugitives.

Mr. John Williamson: Yes.

Mr. Samuel M. Chu: You've demonstrated that. We're half joking, but I think the implication here is that having this hearing, talking about any kind of Canadian policy toward Hong Kong and China that involves sanctions over human rights violations particularly, is apparently something that will trigger.... I think, in your case, it might start with sanctions, but definitely under the national security law, you would now be subject to arrest.

Mr. John Williamson: All right. I regret that unless things change, you will not be able to visit your ancestral home again, nor potentially even talk to your grandparents.

I had the pleasure of living in Hong Kong during the handover in 1997 and 1998, and I have experienced the freedoms there, both initially under the colonial rule as well as under the Sino-British agreement and the Basic Law. It is clear that much has changed, owing to Beijing's heavy-handedness.

Ms. Boyajian, if you were a foreign affairs adviser to Prime Minister Justin Trudeau, what are some of the things you would recommend that the Canadian government do, both to aid the people of Hong Kong and to prepare to safeguard the freedoms currently enjoyed in Taiwan or the Republic of China?

Ms. Annie Boyajian: I think it's critical for Prime Minister Trudeau to impose meaningful penalties on Chinese and Hong Kong officials who have committed rights violations. We have already seen this be very effective in the United States. China's prickly response can tell you how effective it was. That response would be all the stronger if Canada deployed the Canadian version of the Magnitsky Law.

I think it's also critical to conduct a careful review of imports and exports. Anything coming from mainland China or Hong Kong made with slave labour should be prohibited. In the U.S. we have something that is currently pending called the Uyghur forced labor prevention act that creates a rebuttable presumption, meaning that, if a product is coming from Xinjiang, we assume that it's made with

slave labour and companies have to prove otherwise. That sort of model would be an excellent one.

We also think it's critical to mitigate, prepare for and respond to the risks facing Canadians not only in Hong Kong, but also Canadians who live in Canada and are working on human rights issues, so that if we start to see politically motivated arrests in Hong Kong, we are ready to evacuate people quickly and insist that they have consular access and be protected from torture.

I think it's also very important, now that information is cut off, that you continue to seek information from actual Hong Kongers. There are some great diaspora groups. I commend you all for bringing so many excellent diaspora folks to the committee already, but I have been asked by Hong Kongers to convey to you excellent work by the Canadian Friends of Hong Kong. I'm told they have a deep understanding of CCP infiltration in Canada.

Lastly, I think it's critical for the Canadian Radio-television and Telecommunications Commission to go ahead and conduct that review of whether CGTN/CCTN have violated operations—and transparency requirements for Chinese media would be good as well.

• (1315)

Mr. John Williamson: Thank you.

Are you able to speak to Taiwan at all? Is that in your bailiwick?

The Chair: Answer very briefly.

Ms. Annie Boyajian: On Taiwan—and I'm sure Professor Cohen will have more to say—we are concerned. I heard the previous panel say that they think it is next. With things like the Chinese government trying to bully Taiwan out of multilateral institutions, as we've seen with the World Health Organization, for example, we should respond forcefully and not allow them to happen.

The Chair: Thank you very much, Ms. Boyajian and Mr. Williamson.

Mr. John Williamson: Chair, I have a point.

The Chair: I think you will see that I did adjust your time a bit. You're timing it yourself, I believe. I did try to add some time. I hope it's—

Mr. John Williamson: It looked like I was down 50 seconds before you started to—

The Chair: I don't think so, but at any rate, I do have to make sure that all members have their chance to ask their questions and get the time they have.

Mr. John Williamson: Very well.

The Chair: I'm trying to manage all of that. I don't think we have Professor Cohen back yet, but hopefully we will shortly for the benefit of witnesses.

Now we go on to Mr. Oliphant for six minutes, please.

Mr. Robert Oliphant (Don Valley West, Lib.): Thank you, Mr. Chair.

I want to thank all of the witnesses. I believe Mr. Cohen said earlier that we have had some pretty exceptional witnesses today.

Again, I want to thank the clerk and the analysts for organizing this in such a thoughtful way.

I want to begin with Freedom House and Ms. Boyajian. I'm a big fan and use your scorecards and your ratings extensively in my work in Africa and around the world, so thank you.

Noting the sanction that has been placed on your president, Mr. Abramowitz, has this ever happened before? Has a country sanctioned you or your organization before for this activity?

Ms. Annie Boyajian: This is the first time Freedom House and the first time Mr. Abramowitz have been sanctioned. Those sanctions are unspecified. As I mentioned, last December we were slapped with organizational sanctions by the CCP, as were several other American organizations, such as Human Rights Watch, the National Endowment for Democracy, the IRI and NDI.

Mr. Robert Oliphant: Thank you.

I've been watching the sanction ping-pong going on with China/Beijing sanctioning 11 American citizens, and then Mr. Trump sanctioning 11 Chinese. It's going back and forth.

Do those sanctions that were imposed by Mr. Trump have teeth? Are they going to work, or would it be more appropriate to have those done multilaterally because of where people hold their assets, and what could be done?

What would your recommendation be?

Ms. Annie Boyajian: Doing it multilaterally is always better. The more countries that do it, the better, but these are very effective targeted sanctions. Similar to your own Magnitsky Law, these block visas of the sanctioned individuals so they cannot come to the U.S., and they also freeze any U.S.-based assets they have.

What is critical to this being so effective is that countries around the world look to the U.S. Department of Justice, Department of Treasury and U.S. financial institutions, and, if we put a freeze order in place, what we often see is a domino effect around the world so that EU states, the U.K. and others won't allow those individuals access to any funds they have in their accounts as well.

Mr. Robert Oliphant: That's something we're going to have to consider in this committee.

Mr. Chu, thank you for your ongoing work and courage, and for being with us today. I'm looking at the extraterritorial effects of the national security act, and obviously we're beginning to see how they play out. You mentioned the restrictions on your travelling to Hong Kong, your concerns about talking to your parents and about travelling to countries that have ongoing extradition agreements with China.

How do you find out information about where those extradition agreements are and whether they would be effected or not?

• (1320)

Mr. Samuel M. Chu: HKDC has been part of a much larger global coalition that has been pushing. We thank the Prime Minister's government for suspending the extradition treaty between Canada and Hong Kong.

I think the design of it is to have a dark cloud, because there is not a lot of clarity in a lot of regions and countries. They do not spell things out specifically. In the case of the U.S., for example, even within the U.S. extradition treaty with Hong Kong, there is very specific wording and language that says that any politically motivated charges would not be recognized or accepted and that extradition to Hong Kong should never be used as a vehicle for a country, in this case the Chinese government, to do extradition via Hong Kong as an entity.

Mr. Robert Oliphant: That's understood.

Mr. Samuel M. Chu: I think that in the U.S. and Canada there are some very clear, defined parameters and mechanisms. That is not the case in many countries. Therefore, I actually don't know for sure which countries have an extradition treaty and, even if they don't have one, if extradition could happen to me if I just transferred.

Mr. Robert Oliphant: Mr. Chair, I would like some help from our analysts in the next while on that question of extradition and on how we could warn Canadians perhaps about travel to other countries and what would be effective.

I have one minute left, so Mr. Cohen, I want to ask you a question. I read about your work with the four Cs and what we could be doing with respect to co-operation. The environment has changed. Even in weeks the environment has changed. We have containment, we have a challenge and we have to do these things. Are there areas where we'd still have co-operation, or is that era gone?

The Chair: Please respond in 20 seconds.

Mr. Jerome A. Cohen: That era has not passed. Those are good questions. Canada is certainly in the Arctic. Canada needs a good environment. Canada needs to prevent pollution. We need to have co-operation with respect to military weapons.

The Chair: Professor, thank you very much. I'm sorry to cut you off, but we are over Mr. Oliphant's time.

[Translation]

Mr. Bergeron, you have the floor for six minutes.

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

I invite the witnesses to choose their preferred language for interpretation if they are not able to understand what I am going to say in French. I would also like to thank them for their important contribution to the work of this committee.

We are seeking to do an in-depth study on China-Canada relations and so the question of Hong Kong is of great importance for us, not only because it has an effect on Taiwan, as Mr. Williamson pointed out, but also because Canada is a member of the Commonwealth. In that context, the violation of the joint declaration by the government of China concerns us, as, in the Second World War, Canada saw a number of its sons perish during the Japanese invasion of Hong Kong. So the future of Hong Kong is very important to us, and the reason why we are very specifically focusing on the current situation.

During the current health crisis, we have seen criticisms of Xi Jinping, even inside the People's Republic of China. Many hold the view that he is the president who has the greatest grip on power since Mao Zedong himself, and we are asking ourselves a number of questions.

For those of you who had the opportunity to hear the first part of this meeting, we have a kind of dilemma with welcoming activists to Canada. By welcoming a large number of those activists, are we going to weaken the democracy movement on the ground in Hong Kong?

The issue of sanctions raises another dilemma. A number of people think that sanctions would have the effect of weakening Xi Jinping's grip on the People's Republic of China and its people. Others, however, think that sanctions could reinforce the feeling of Chinese nationalism and strengthen Xi Jinping's power over the People's Republic of China and its people.

I would like to hear what the witnesses think about that tough old dilemma, starting with Ms. Boyajian. Can sanctions have effects that are more detrimental than desirable for the objectives that Western democracies are seeking, specifically with regard to Hong Kong?

• (1325)

[English]

Ms. Annie Boyajian: I think that if China is looking to de-escalate tensions, a great way to do that would be for them to start following their own domestic laws and international commitments they have already agreed to. I think sanctions always need to be weighed carefully.

In this case, this is why Freedom House and others have advocated for carefully placed sanctions on the individuals who are guilty of actual abuses, not widespread sanctions that would hurt the Chinese people. I think that's critical to remember.

[Translation]

Mr. Stéphane Bergeron: Would Mr. Chu or Mr. Cohen perhaps like to continue?

[English]

Mr. Jerome A. Cohen: Yes, I'd like to say something.

Sanctions are a symbol and, even if largely ineffectual, they do symbolize our detestation for what is taking place. We live by symbols, but of course they can backfire, and they're not very effective because we know who runs China. It isn't Carrie Lam and other people that these sanctions have been placed against. Can we sanction Xi Jinping? It would be good because the financial sanctions on Hong Kong would affect the fortunes of many people in his family, and the fortunes of the families of other members of the Chinese Politburo. However, Xi Jinping is the boss. There's one-man management in China. Sanctions should be imposed upon him, but they can't be. It's not politically feasible, so it shows the limitations of sanctions.

There are other steps that can be taken. Canada, the U.S., the U.K. and other democratic countries can welcome immigration to a greater extent than they have done so far for the people of Hong Kong, and provide them with the financial wherewithal to make that welcome realistic. Now, most of them won't want to come, and they may want to go to different places; but that's a real symbol, and it doesn't harm the people of Hong Kong.

Anything we do can be mobilized by the propaganda apparatus in Beijing to foment greater nationalism in China. There's nothing we can do about that. That's what dictatorships do. We have to be as rational as we can. I think the foremost symbolic and effective measure we can take is to foster the possibility of immigration if people want to leave. I don't blame them if they don't want to leave. I admire those who will fight to the end. Many will decide, "Look, it's not so bad." People in China have given up their freedoms, but they have a good life in many places.

The Chair: Thank you very much, Mr. Cohen.

[Translation]

Thank you very much, Mr. Bergeron.

Mr. Harris, you have the floor for six minutes.

[English]

Mr. Jack Harris: My first question is for Mr. Chu. Thank you all, by the way, for coming here today and offering your opinions and experience on this extremely important issue for Canada and for Hong Kong—and the world, in fact.

Mr. Chu, as a U.S. citizen not living in Hong Kong, you were just charged with an offence in China. Can you tell us why you think you were charged? Is it because of the strength of your organization, though you've only been in existence since last September? Is it because of you, personally, or is it because they want a symbol as well? Professor Cohen talked about symbols, the fact that the reach of this law can go beyond the boundaries of China. In fact, it's gone to a U.S. citizen acting in the United States, not in China. Can you comment on that?

• (1330)

Mr. Samuel M. Chu: Yes. Specifically, up to last year, before we were formed, I think that much of the international support had been more symbolic or an expression of solidarity. For instance, people hold rallies and there are protests in Hong Kong. They come out in support. They sometimes provide testimony like this at hearings before western governments.

What has happened is that the HKDC was built particularly to directly engage in the legislative law-making process and policy-making process. That activity mobilized Hong Kongers, who are U.S. citizens and residents, to directly engage with their elected officials. I think that shift is a much larger threat in the minds of Hong Kong and Chinese authorities. It's not just that we're unfurling banners in support of what's happening in Hong Kong, but that we're actually sitting down and using our American citizenship rights to engage in the law-making process. In the last nine months we have actually been the driving force behind the Hong Kong Human Rights and Democracy Act that was passed; the PROTECT Hong Kong act that bans crowd-control items...to Hong Kong; and the Hong Kong Autonomy Act, which was recently passed and signed to sanction financial institutions that are doing business with Chinese and Hong Kong officials.

I think that has escalated their level of threat as far as what they consider to be influential overseas.

Mr. Jack Harris: It's interesting what you pointed out, that there are three specific pieces of legislation in the United States related directly to Hong Kong, and that these are the mechanisms the U.S. government is now using to target sanctions and do the kinds of things you talked about.

Mr. Samuel M. Chu: Exactly. I'll add one more note. We have heard from witnesses and folks in Hong Kong that calling for sanctions—which we have done consistently and submitted names and evidence, and have talked to State Department officials and others to provide targets and the rationale as to why the U.S. should sanction Chinese and Hong Kong officials—appears to be one of the trigger points, the mentioning and advocacy of sanctions specifically that has led to the charges.

Mr. Jack Harris: Is the action by the Chinese government against the pro-democracy movement in Hong Kong also defensive in your view? Are they concerned that the thirst for democracy demonstrated by activists in Hong Kong and by people seeking to enforce the Basic Law will spill over to the mainland? Is that one of the reasons they're being so particularly aggressive in their approach?

Mr. Samuel M. Chu: I think that is actually the primary reason, in my view. As Professor Cohen talked about, Xi Jinping is a one-person management. It is very difficult to hold together that kind of total control, and for years Hong Kong has been a place where they could not completely control and silence, and all of it is spilling over.

I think I will even add that it is unusual and different because unlike Xinjiang and other regions within China or within the mainland, Hong Kong has experienced freedom of speech, freedom of the press, all the assemblies and protests already, and they're trying

to put it back into the box, which is a much more difficult task than what they've done.

Mr. Jack Harris: Thank you. I want to have time for a quick question for Professor Cohen.

You said in 2018 that President Xi “wields greater domestic power than any Chinese leader since...Mao Zedong.... Yet there are increasing signs that Xi's apparently untrammelled power is confronting quiet but growing resistance at home.” That was in 2018.

Do you still believe that, and has it diminished or increased?

Mr. Jerome A. Cohen: I think it has increased because of the world's reaction to what's taking place in Hong Kong, and it's increased because of increasing concern over the crisis in the Taiwan Strait and over economic problems.

There are many intelligent members of the Communist Party leadership—and I know some of them—who are very unhappy with what the great leader is doing, and when things get worse, there's only one place people will look. They'll look at him, and these people aren't free even to talk to each other now. The surveillance of the party elite is so great, but there is great mistrust. There's great doubt about the wisdom of Xi Jinping's increasingly assertive policy.

We should not delude ourselves. We've seen enough in the history of Communist Party leadership rivalries to know this exists and I hear from people, confidentially of course, many of the misgivings that they have. I urge everybody to try to see this movie that was semi-humorous but quite to the point, *The Death of Stalin*.

• (1335)

The Chair: Thank you very much, Professor.

Thank you, Mr. Harris.

We will now go to the second round. We have Mr. Albas for five minutes, please.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): Thank you, Mr. Chair, and thank you to all of our witnesses for being here with us today.

I'd like to ask each of you one question that I have for all of you, perhaps starting with Ms. Boyajian, then Mr. Cohen and finally Mr. Chu. Could you respond in 45 seconds or less if possible because I want to survey all of our witnesses.

We have over 300,000 Canadian citizens living in Hong Kong. As parliamentarians, should we be concerned for their personal safety given all that we've seen in the past few months?

Ms. Annie Boyajian: I believe yes, you should be. It would be an escalation to see wide-scale arrests of Canadian citizens, but it would not be unprecedented, as you've seen with Mr. Chu's case.

Mr. Jerome A. Cohen: I think you have to be worried about their security for various reasons. It's possible that if things get worse in Hong Kong, the violence could increase and you could have some very serious violence as you did in Beijing in 1989.

More likely, however, is that your people in Hong Kong will have to be much more discreet, not only in what they say in public but even in their business activities. They have to be very careful and they could get bounced out of there by the Hong Kong government—not prosecuting them, but just ending their right to stay there and right to return to Hong Kong.

Mr. Samuel M. Chu: The short answer is that I think it should be a worry.

I think, even more, there is the uncertainty it creates, so that people are beginning to self-censor, or companies will get into situations where they're wondering if they can do certain things and if they can speak freely and operate as normal. I think that effect goes with the actual threat of the arrest itself.

Mr. Dan Albas: I am also concerned that if many were in a position to leave, they might not, because they have family members who are not Canadian citizens or have other obligations. They may not have current identity documents to be able to get a new passport where they could travel as a Canadian citizen.

I appreciate each one of you giving your views on it. I am quickly going to go to the Freedom institute one more time.

The rule of law was one of the pillars, I would say, behind the one China, two systems policy in Hong Kong in relation to that. It seems that mainland China is imposing its own laws and interpreting them with such wide scope. You mentioned your concern about Taiwan being the next area. Former ambassador David Mulroney said that the Government of Canada must completely rethink its foreign policy when it comes to China. Do you believe that this collapse of the one China, two systems policy by China itself deserves that level of response?

Ms. Annie Boyajian: I do. That's the short answer. I actually think that now is a good time for every nation, not just Canada, to take a good, hard look at its China policy. The national security law, the forced imposition of it in Hong Kong and the fact that it really does reach everyone everywhere in the world are significant.

Chinese officials often like to talk about non-interference and sovereignty, but in fact that's not a principle they actually believe in. They are seeking to set what everyone else is allowed to say and do, even in their own countries, so it's critical to think creatively about China policy.

• (1340)

Mr. Dan Albas: Thank you.

Mr. Chu, your organization is based in the United States. Today, the Secretary of State announced that for all intents and purposes, the Confucius Institute will now be treated as a foreign mission of the PRC. Obviously, they're concerned not just about the suppression of rights for people such as you, domestic Americans, but also that countries such as the PRC are utilizing these kinds of institutes as foreign policy to influence domestic policy.

Do you believe that this is a good step and that this is another approach that should be studied by other western countries?

Mr. Samuel M. Chu: I think that what Ms. Boyajian talked about included Confucius Institute but also media outlets. I think there have been steps in the last few weeks to label and explicitly

call out state-owned, state-funded institutions, entities or corporations, including media outlets here in the U.S. and globally. I think those are important steps.

I want to be very careful. I think we want to make sure that it doesn't create anti-ethnic blowback or discrimination. However, being able to clearly see when something is state-backed and state-funded is a good step that I think the Canadian government should consider.

Mr. Dan Albas: That's a very good point.

Thank you, everyone.

The Chair: Thank you, Mr. Chu.

Thank you, Mr. Albas.

Now we'll go on to Ms. Yip, for five minutes, please.

Ms. Jean Yip: Thank you very much, everyone, for taking the time to give your important testimony.

My question is directed to Mr. Chu. It must be very hard not to be able to speak to your parents. In your opening statement, you mentioned how simply retweeting can land you into trouble. How are people in Hong Kong now using social media to express their views?

Mr. Samuel M. Chu: We obviously saw it in the Houston Rockets case, where the general manager retweeted something and China literally shut down basketball for a time for the whole country.

In my case, and to your question, people in Hong Kong are still engaging, but I think there have already been signs that they are being tracked. The four young activists who were arrested about three weeks ago were specifically picked up, arrested and charged for social media posting. That is the same charge that Agnes Chow, another prominent leader who was arrested on Monday, is being targeted for. They are saying that she used social media as a way of engaging in inciting secession and calling for foreign influence.

Ms. Jean Yip: It can be difficult for the people of Hong Kong to respond on social media to questions from foreign journalists and legislatures about the situation in Hong Kong. How will they get their opinions out there?

Mr. Samuel M. Chu: As you have seen over the past 13 months, Hong Kongers have been very creative and very resilient. Even just this week, Jimmy Lai, who was arrested, detained and then released, immediately went on Twitter to do his weekly "Live chat with Jimmy Lai" and is not being silenced. Joshua Wong, whom many consider to be a high target as well, wrote an op-ed for the New York Times that was published yesterday.

I think we are seeing a society in Hong Kong that has experienced and exercised, for decades and generations, their freedom of speech and press and protest, so I don't think we will see complete silence. I think the cost will go up. The risk is already high, but I think we are already seeing people evolving in the ways they are voicing and demonstrating their resistance.

Ms. Jean Yip: Can you comment on the extent to which companies like Facebook, Google and WhatsApp are co-operating with China and the national security law?

Mr. Samuel M. Chu: I think we saw this on June 4 this year, in a memorial vigil that always gets organized in Hong Kong. Leading up to it, one of our former advisory board members, Lee Cheuk-yan, who is also the head of the Hong Kong Alliance right now, was explicitly banned from Zoom, the platform we're on. Zoom issued a statement that the Chinese government asked them to suspend his account because of the meetings he was hosting through Zoom.

I think that is already happening and a lot of the screening already happened before the national security law, but now what is very important is that even though at this point, temporarily, all the major tech companies have said they are not sharing data with Hong Kong police and authorities, that is not a permanent set-up. At some point, do they turn over their data or do they have a way of providing a history of what people have written even in direct public or private messages?

I think what the tech companies will do in the long term is a huge concern.

• (1345)

Ms. Jean Yip: Do you feel that TikTok is a national security threat, and will the ban be effective in limiting China's interference?

Mr. Samuel M. Chu: I'm not a cybersecurity expert, but I think TikTok is a great illustration of the kind of complexity around technology, supply chain and data management, and we have to take a look at it. This is similar to the situation about the global supply chain for personal protective equipment. I think what is revealing is that the infrastructure behind some of these technologies like TikTok is not as simple as some would make it out to be. It's not as if they are listening to every TikTok.

The security of the data, where it is stored and how it is used, is definitely a national security concern, because, again, if they are able to use the data to prosecute under something like the national security law, then that becomes a direct threat that I think people may not recognize, which exists right now.

Ms. Jean Yip: Thank you.

The Chair: Thank you very much, Ms. Yip and Mr. Chu.

We will now go on to Mr. Genuis for five minutes, please.

Mr. Garnett Genuis: Thank you, Mr. Chair.

Again, we're hearing information discussed about interference in the lives of Canadians on Canadian soil as part of the broader neo-colonial project of the Chinese state. I think this is something Canadians need to know about and should certainly become more concerned about the more they hear about it.

When we in the opposition raise issues of Chinese state interference, we get what I see as a sort of ineffectual machismo response from the foreign affairs minister, saying that nobody had better be doing this and that they take it very seriously, but without substantively responding or taking action.

We heard testimony from Amnesty International at the last committee meeting that despite that kind of bluster, the system is very ineffective in responding to victims of foreign interference who are seeking help and assistance, and also that there isn't an effective or co-ordinated response to foreign interference here in Canada. We're hoping to see the government proceed with policy and legislative changes, and to see the minister take action, such as expelling diplomats when and where appropriate.

I would appreciate a brief comment from all three witnesses on the things we can do to move from bluster to action, to protect Canadians living in Canada from having their freedom of speech, their activities and their associations interfered with by a foreign government.

Maybe we could start with Ms. Boyajian on that.

Ms. Annie Boyajian: Sure, thank you.

I think it's critical. You can divide it into broad categories. There's a real need, I think, in democracies around the world, including Canada, for transparency. Where is information coming from? How has the United Front Work Department, which is China's propaganda agency, infiltrated Canada? What is it doing? That's one step.

The CCP does, of course, understand and respond to action, so concrete actions, as I already mentioned, include the imposition of sanctions, looking at imports and exports, and getting your immigration system in order to help folks. But it is something that needs to be carefully balanced, because you're not looking to escalate things or inspire racist attacks on anyone.

At Freedom House, we understand the challenges of TikTok and other apps, but it is a complex issue. We don't necessarily support a wholesale banning of apps.

I think it starts with looking at the situation very carefully, what's actually happening, and then thinking about what concrete steps would make the most sense—and more than words but also actions, yes.

Mr. Garnett Genuis: Mr. Chu.

Mr. Samuel M. Chu: I like everything that Ms. Boyajian just talked about.

I would add that I think part of the protection here also has to do with recruiting businesses and other entities to turn against the crackdowns and this oppression that is happening. I think what you're seeing is that part of the purpose of the sanction is not just to punitively sanction individuals, but to force institutions like banks and financial institutions not to become explicit, proactive agents for the Chinese regime to enforce and support these kinds of policies. I do think that it's not just the public rhetoric, but it's also using and recruiting other entities as influence to help strengthen the protection.

• (1350)

Mr. Garnett Genuis: Thank you.

Mr. Cohen.

Mr. Jerome A. Cohen: I think you have to start with your relations with the Chinese security authorities. You have to make it clear to them that you will not tolerate any existing interference with the rights of Canadian citizens in their own country, and that you will cause consequences if they refuse to relent. I think you also have to make it more obvious to people of Chinese descent, and others who are being coerced quietly in Canada by Chinese officialdom, that they have to make known to you, as well as to members of the executive branch of your government, what's going on.

A very critical area is universities. We have had in the United States, including at my own university, examples where the Chinese consulate is very actively in touch with certain students from China in putting on certain events and trying to suppress other events, and trying to restrict people from speaking out to challenge their own country's policies.

I think you have to make greater efforts at home, starting with Chinese officialdom.

The Chair: Thank you, Professor.

Thank you, Mr. Genuis.

Mr. Fragiskatos, you have five minutes, please.

Mr. Peter Fragiskatos (London North Centre, Lib.): Thank you, Chair.

Thank you to the witnesses.

I want to begin with Mr. Cohen.

Professor, you spoke about sanctions earlier, and you've left us with quite a lot to think about as a committee on the efficacy or perhaps lack of efficacy with respect to sanctions. I'm still keeping a very open mind on this committee.

I hear those calls in Canada that have been made to the Canadian government, urging that it apply Magnitsky sanctions on Chinese officials. You gave us an alternative view as to why that might not be the best approach. How would you counsel us as a committee, but also the Canadian government, with respect to possible actions that Canada could take as a country vis-à-vis China?

We heard earlier, for example—from Mr. Albas, I believe—a very good question about the safety and security of Canadians living in China or working there. I also think about Canadians who are apprehended in China. We have two Canadian citizens who.... It's a

very closely followed case. I'm sure you know about it, the case of Michael Kovrig and Michael Spavor. Canadians are quite rightly concerned about their plight.

Are there particular trigger points that China would look at and be particularly offended by, or that could pose a particular danger over others? Would sanctions be more of a cause, over immigration measures, for China to say, here's all the more reason to endanger the lives of Canadians in China? What are the trigger points that you see, as far as this particular regime is concerned?

Mr. Jerome A. Cohen: I think your government should be more vigorous in its protests and requests to the Chinese government about the treatment of Canadians in many respects. I've known of certain cases—in one or two I've been consulted—where the people who feel intimidated by the efforts of the Chinese government—whether to send people quietly to intimidate them in Canada or to use the telephone or financial pressures—don't feel that your ministry of foreign affairs has been vigorous enough in protecting their rights and telling the Chinese government to cut it out.

Also, on your cases, I don't know why your extradition process should take so long. Extradition is a complicated business, but your court system should be functioning far more quickly in handling the controversial Huawei case that is causing so much difficulty. This has been going on forever.

Even though Ms. Meng is living in two wonderful houses in Vancouver, there are restrictions on her rights, however comfortable she is. Certainly, look what it's doing to the people who have been unfairly retaliated against, the two Michaels, and at least one of those who have been condemned to death is a Canadian national. This shouldn't go on forever. Extradition could take place more quickly.

• (1355)

Mr. Peter Fragiskatos: Thank you, Professor Cohen. I can't speak to the efficiency of Canadian courts or the processes in Canadian courts, but thank you for your view.

Mr. Chu, with the time remaining, why now? Why this national security law now? President Xi has been in power since 2013. Leaders before him could have taken action in the same way. What particular set of factors pushed the Chinese regime and President Xi to act at this particular moment to come up with this particular law now, in 2020?

The Chair: You have 25 seconds, please.

Mr. Samuel M. Chu: I think there are two particular factors. I think that the ongoing protest, the fact that it has lasted now, in the public eye, under international watch, for 13 months, meant that what is happening now in Hong Kong created a direct threat to the stability of their control overall in China. The second thing is that, again, what we've done is create a global intervention at this point. I think those are the two things that make things particularly threatening to Xi.

The Chair: Thank you.

[Translation]

Mr. Bergeron, you have the floor for two and a half minutes.

Mr. Stéphane Bergeron: I am going to pick up on the question from Mr. Fragiskatos.

Mr. Chu, was the national security law passed simply because the government of Hong Kong ended up not passing the extradition legislation?

[English]

Mr. Samuel M. Chu: I think this goes beyond that. This is partly a reaction to... This was not the first attempt last year. It was not the first attempt for them to implement an extradition or security law. This has happened before.

What is different and what goes even further, another feature that's very scary in the national security law, is that there is now a Chinese security office on the ground operating in Hong Kong directly, outside of the jurisdiction of the Hong Kong government. I think what you're seeing is that this is one step further than just national security or extradition. This is now de facto Chinese enforcing and charging and investigating "crimes" directly with Chinese security forces, rather than having any involvement in the Hong Kong government.

[Translation]

Mr. Stéphane Bergeron: Thank you, Mr. Chu.

In the first section of this meeting, a good part of our discussions focused on the integrity of Hong Kong's legal system under the national security legislation. Is the fact that Hong Kong's director of public prosecutions has resigned not evidence that the Hong Kong system has moved completely under the control of the People's Republic of China?

Let me put the question first to Mr. Cohen.

[English]

Mr. Jerome A. Cohen: I think we have not given sufficient attention to the resignation of the director of public prosecutions. Here he is, the most important official for deciding who gets prosecuted in Hong Kong, and he's not even allowed to know what they're going to do about prosecutions under the new national security law. I don't blame him for resigning.

His boss, the secretary of the department of justice, is a very nice, able person, but she's a commercial lawyer who is an expert on arbitration. I arbitrated a case where I asked her to be the chief arbitrator. She's not an expert on criminal justice.

The Chair: Thank you, Professor.

Mr. Jerome A. Cohen: Decisions are being made by the security people from Beijing.

• (1400)

The Chair: Thank you, Professor.

[Translation]

Thank you very much, Mr. Bergeron.

Mr. Harris, you have the floor for two minutes and 30 seconds.

[English]

Mr. Jack Harris: Thank you, Chair.

Thank you to the witnesses again.

I want to ask a question that all three of you can respond to, because you're all U.S.-based, although Professor Cohen spends a lot of time elsewhere as well, and so does Mr. Chu, of course.

The U.S. motivations have sometimes been questioned in terms of aggressiveness toward China in recent months and the last year. They are motivated by trade considerations, by commercial considerations, the politics of the president in an election year, combatting the rise of China in the world and its influence in the world, etc. There's even talk of a new cold war.

I want to ask the question, because that affects some people's attitude towards this. How should Canada act towards China in a way that essentially distinguishes itself from some of these considerations, which are fairly obvious to us because we're so close, but may not be obvious to other parts of the world? How do we act vigorously and importantly without being caught up into any of these other motivations?

Ms. Boyajian, you haven't spoken yet in response to me, so I'll let you go first.

Ms. Annie Boyajian: Sure.

I would just say that regardless of who is in control, our position at Freedom House is that trade and security and human rights are inextricably linked. There was a lot of "business as usual" across presidential administrations in the U.S., be it under Bush or Obama. No matter who the leader is—of course, you don't want to act willy-nilly and escalate things unnecessarily—human rights should be a major consideration, and especially now with the escalation of the national security law. As I mentioned, we have seen growing efforts by the Chinese government to export repression—

Mr. Jack Harris: Thank you.

Ms. Annie Boyajian: Sure.

Mr. Jack Harris: Can we get Professor Cohen in on this, please?

Mr. Jerome A. Cohen: I think we'll be in a very dangerous period until the American election is successfully concluded. It's obvious that the Trump people are exploiting China now in a way to get him re-elected. It's the reverse of what Nixon did in 1972. He exploited China to have a favourable change in our relations with China, following what Prime Minister Trudeau did in October 1970. Now we're going in the wrong direction. I think that after the election, if things go well, we will have an improvement, a more balanced China policy.

The danger now is throwing out the baby with the bath.

The Chair: Thank you very much, Professor.

Thank you, Mr. Harris.

That concludes the time we have. I want to thank our witnesses. I know that all members are deeply grateful to all of you for appearing.

I want to let members know that we are working on a possible 10:30 a.m. eastern start on Monday in order to give time to deal with the motions that Mr. Genuis mentioned earlier. If that's agreed to by the whips, it will appear on the notice of meeting for Monday's meeting. We can't do it at three o'clock because another committee is starting at three o'clock on Monday. That's the situation.

Mr. Genuis, is it on that point?

Mr. Garnett Genuis: Yes. As these are substantive motions that are not dealing with witnesses, I would suggest that these discussions be in public. That's where we began the discussion on the motions, so I would suggest that. It facilitates the transition as well.

The Chair: That actually would be my expectation, although we will have to pause, of course, for the sound checks and so forth, as members will understand.

Mr. Garnett Genuis: Thank you.

The Chair: Again, I'd like to thank especially our witnesses. I'd also like to thank all the technicians and the analysts, our wonderful clerk, and everyone else who supported this meeting.

The meeting is adjourned.

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