UNITED STATES COMMISSION *on*
INTERNATIONAL RELIGIOUS FREEDOM

USCIRF HEARING SUMMARY: August 2020

TECHNOLOGICAL SURVEILLANCE OF RELIGION IN CHINA

USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

On July 22, 2020, the U.S. Commission on International Religious Freedom (USCIRF) held a virtual hearing about the *Technological Surveillance of Religion in China*. This hearing examined how the Chinese government's use of advanced surveillance technology threatens the freedom of all religious groups in China, and offered a number of policy recommendations to the U.S. Government.

USCIRF Chair *Gayle Manchin* led the hearing, which included *five witnesses* from a variety of perspectives on China's extensive surveillance apparatus and its suppression of religious groups. In her opening remarks, Chair Manchin reflected on the global challenges regarding surveillance technology, such as artificial intelligence, facial recognition, DNA collection, and social media. She stated, "Indeed, with the proper safeguards and oversight, these tools can be harnessed for the good of society. However, that is not what we are seeing today in China, where the Communist Party is deliberately using technology to undermine religious freedom and other fundamental rights."

Vice Chair *Tony Perkins* highlighted the American companies and researchers who have inadvertently or unknowingly helped enable China's surveillance state. He said, "The information revolution is one of our country's greatest contributions to human civilization, but we also have a responsibility to ensure that the fruits of American innovation are not distorted into a dystopia." In her opening remarks, Vice Chair *Anurima Bhargava* emphasized, "Even those living in democratic societies are not completely safe … hackers likely affiliated with the Chinese government have attempted to use malware to target iPhone and Android devices belonging to Uyghurs and Tibetans living abroad," demonstrating a clear threat to religious freedom regardless of one's location.

The Acting Under Secretary of the U.S. Department of Commerce's Bureau of Industry and Security (BIS), *Cordell Hull*, testified about the role BIS plays in administering export controls to address the Chinese government's repression of its Muslim minority groups in Xinjiang. "The United States government has been unified and consistent in calling for the People's Republic of China (PRC) and the Chinese Communist Party (CCP) to immediately end the campaign of religious repression and persecution in Xinjiang," Hull stated. "Indeed, preventing parties complicit in human rights violations and abuses in China's campaign of religious repression remains a top priority of this administration." According to Hull, BIS's export controls break along two lines: one is end user based, which can pinpoint controls on individual bad actors; the second is item based, focusing on technology with implications for national security.

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The following are recent actions taken by BIS:

- Since October 2019, BIS has added 48 Chinese parties to their Entity List, including 21 government entities and 27 companies. Through the entity list, BIS imposes license requirements, generally subject to a policy of denial, on both government and commercial entities acting contrary to U.S. national security and foreign policy interests;
- BIS implemented a comprehensive in-depth review of advanced surveillance tools, including facial recognition systems, machine learning, and biometric and artificial intelligence technologies; and
- In partnership with the Department of Treasury, the Department of Homeland Security, and the Department of State, BIS issued the Xinjiang Supply Chain Business Advisory, urging businesses to conduct human rights due diligence and to be aware of the legal and reputational risks of doing business in Xinjiang.

Amy Lehr, the Director of the Human Rights Initiative at the Center for Strategic and International Studies, discussed the challenges American companies face in ensuring that their business practices do not abet human rights violations. She shared that given the "massive global marketplace for new surveillance technology that is deeply opaque, highly lucrative, and frequented by governments with poor human rights records," our thinking must evolve to meet this new challenge. U.S. technology companies have the United Nations (UN) Guiding Principles on Business and Human Rights, which lays out a management system framework that allows businesses to understand and address their human rights impacts. However, smaller companies lack the capacity to implement the principles and conduct due diligence on Chinese companies. Additionally, Lehr stated that there is no U.S. body charged with the oversight of outgoing venture capital, which may unwittingly invest in Chinese technology companies involved in severe human rights abuses. Investors have a responsibility to respect human rights in their investment decisions.

Lehr closed her testimony with the following recommendations:

- Encourage technology companies to adopt the UN Guiding Principles on Business and Human Rights and report publicly on their implementation;
- Continue the use of export controls;
- Support efforts to establish mandatory human rights due diligence for U.S. companies and relevant research institutions;
- Explore mechanisms to ensure that investment of venture capital in sensitive technologies is public or known to U.S. regulators; and
- Support efforts to create global human rights and ethics standards for the development and deployment of emerging technologies.

Chris Meserole, the Deputy Director of the Artificial Intelligence and Emerging Technology Initiative at the Brookings Institution, provided an overview of the Chinese government's digital authoritarianism model and its impact on religious minorities.

- Video and audio surveillance threaten public mosques, churches, and temples, while GPS tracking monitors religious networks meeting covertly.
- By feeding machine learning algorithms images of religious minorities, Chinese companies developed software that alerts authorities when it classifies someone in its video feed as Uyghur Muslim or a Tibetan Buddhist.
- Networked video feeds have made it possible to observe religious practices in a wider range of contexts, including inside private residences out of public view.
- Lastly, Chinese authorities monitor messages on WeChat and require individuals to install logging software that tracks all video, audio, and texts stored on the phone or accessed online.

"What makes these new forms of religious surveillance so alarming is that they are being coupled with long-standing forms of mass repression, such as detention camps and forced labor." Meserole recommended the U.S. government:

- Urge Muslim-majority countries and allies to speak out vocally, forcefully, and consistently about the plight of Uyghurs in Xinjiang;
- Appoint international independent monitors to investigate the camps in Xinjiang, as well as the technology used to support those camps;
- Impose targeted export controls;
- Develop international standards to effectively counter digital authoritarianism; and
- Consider conditioning U.S. participation in the upcoming 2022 Beijing Olympics on the cessation of mass repression in Xinjiang and elsewhere.

USCIRF Chair Gayle Manchin, Vice Chair Tony Perkins, Vice Chair Anurima Bhargava, Commissioner Gary Bauer, Commissioner Johnnie Moore, and Commissioner Nury Turkel participated in the hearing.

Sheena Greitens, Associate Professor at the Lyndon B. Johnson School of Public Affairs of the University of Texas at Austin, discussed the Chinese government's rationale and key objectives for creating its surveillance state and persecuting its religious minorities. Greitens stated that *fangkong*, which translates to "prevention and control," demonstrates Xi Jinping's intensified surveillance, tracking, and control of citizens' movements. Additionally, she contended that some of the most serious challenges for religious freedom arise from the medicalization of policing. Greitens stated, "Official rhetoric consistently describes dissidence as a 'political virus' or a tumor.… The logic of 'immunization' suggests to the CCP apparatus that regime security depends on targeting and treating citizens before they show symptoms of politically problematic behavior." The Chinese government has used this logic to justify preventative detentions and forced re-education of Uyghur and other Muslims in Xinjiang, even if they do not commit any criminal or extremist behavior.

Greitens recommended the U.S. government:

- Articulate and implement a comprehensive strategy to address the risks and threats that come from the proliferation of surveillance technology around the world;
- Outline which international forums should set standards for which technologies and what those standards and safeguards should look like;
- Coordinate and organize interagency efforts;
- Work with allies, partners, and international organizations to collaboratively, but assertively shape a global regulatory environment that is compatible with liberal and democratic values;
- Develop strategies that are responsive to the interests and motives of countries that have received Chinese technology; and
- Discuss how to handle cases where messaging on surveillance technology may run up against competing U.S. policy imperatives and priorities.

Lobsang Gyatso Sither, the Digital Security Programs Director at the Tibet Action Institute, testified about the CCP's use of censorship and how American companies have, at times, been complicit in undermining freedom of expression, particularly in Tibet.

- Research conducted by the Tibet Action Institute in 2016 showed that every video uploaded on Youku (a Chinese video sharing platform similar to YouTube) with content about the Dalai Lama was censored almost instantly. In addition, videos related to Tibetan language and culture were restricted completely.
- With the passage of the Chinese Cybersecurity Law in 2017, the world is now witnessing a proactive attempt by the Chinese government to change global norms around freedom of expression and access to information. Apple has removed or agreed not to publish apps in China's version of the App Store with little transparency, demonstrating a disturbing trend of compliance with Chinese laws that violate human rights.
- iFlyTek, a Chinese artificial intelligence company which specializes in voice-to-text transcription, regularly collects data from Tibetan users. In a 2019 report, iFlyTek stated that 60 percent of its profits come from "projects involving government subsidies," raising concerns about how the company's data collection is being used to censor Tibetan WeChat conversations.

Cordell Hull, Amy Lehr, Chris Meserole, Lobsang Gyatso Sither, and Sheena Chestnut Greitens are experts who testified.

Sither closed by stating that U.S.-based companies like Apple must be held accountable for their actions. He asserted, "The U.S. government and this commission can and should bring together various stakeholders such as government officials, corporations, and people from affected communities to draw up a code of conduct required for U.S. companies and institutions operating in China."

Chair Manchin concluded the hearing by stating that the United States must take leadership to address, "anything that poses a threat to democracy, the freedom of religion, and human rights."

USCIRF recommends the U.S. government:

- Announce that U.S. government officials will not attend the 2022 Winter Olympics in Beijing unless the Chinese government ends its crackdown on religious freedom;
- Increase export controls on technology used by the Chinese government to perpetuate religious freedom and other human rights violations by passing amendment 637 to the National Defense Authorization Act Fiscal Year 2021 (H.R. 6395);
- Require companies and investment entities to adopt the UN Guiding Principles on Business and Human Rights and report publicly on their implementation;
- Explore mechanisms to ensure investment of venture capital in sensitive technologies is public or known to U.S. regulators;
- Urge U.S. allies to publicly condemn China's treatment of religious minorities in conjunction with a multilateral effort to coordinate targeted sanctions against Chinese leaders; and
- In addition to measures directly aimed at limiting the capabilities of China's surveillance state, pass laws designed to counter religious freedom violations in China, including the Tibetan Policy and Support Act (*H.R.4331*), and the Uyghur Forced Labor Prevention Act (*H.R. 6210*/*S.3471*) to ensure goods made with forced labor in Xinjiang do not enter U.S. markets.