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To the attn. of:

Mr Josep Borell Fontelles

EU High Representative for Foreign Affairs and Security Policy / Vice-President European Commission

15 May 2024

Dear High Representative Borrell,

OPEN LETTER: THE EU MUST ADDRESS THE CHILLING EFFECT OF TRANSNATIONAL REPRESSION ON FREEDOM OF EXPRESSION AND ACADEMIC FREEDOMS ON CHINESE STUDENTS

Amnesty International calls on you to lead European Union (EU) and member state efforts to respond to the Chinese government's use of transnational repression to silence dissent from Chinese students abroad.

In a new report, [“On my campus, I am afraid”: China’s Targeting of Overseas Students Stifles Rights](#), Amnesty International examines both individual experiences with, and the impacts of, the Chinese government's use of transnational repression against international students from mainland China and Hong Kong.

In-depth interviews with students who studied at universities across Western Europe and North America between 2018 and 2023 reveal that, for many Chinese international students, the decision to exercise their rights to freedom of expression, association and peaceful assembly while abroad is fraught with the fear of drawing repercussions from authorities in China. This fear has a profound chilling effect on student participation in academic life and work, compelling students to censor themselves in academic discussions, avoid perceived “sensitive” topics – as viewed by Chinese authorities – in their studies and decline careers in academia. The fear of being reported to Chinese or Hong Kong authorities also curbs students' willingness to discuss certain issues in social settings and online, to be active in or attend public events, or to join certain clubs on campus.

Amnesty International has documented various forms of coercion, threats, surveillance and harassment experienced by overseas students, as well as their families in China, including incidents that occurred before students departed China to study abroad, during their overseas studies and after finishing their courses when facing the prospect of returning home. The most severe of these incidents, reported by nearly one-third of students interviewed, involved harassment and threats by Chinese authorities towards students' family members based in mainland China, aimed at preventing students from criticizing the Chinese or Hong Kong governments or their policies while studying overseas. In several cases, Chinese police instructed students' parents in mainland China to cut off financial support for their children in an effort to coerce them into silence.

While abroad, many students reported having been subjected to surveillance by Chinese authorities or their agents, including when attending public events and protests in Europe. Amnesty International documented a pattern of near-identical observations by students across various locations and settings, supporting their belief in the Chinese government's involvement in these incidents. Amnesty International's research suggests that the Chinese government's ability to surveil and repress Chinese students overseas is also enabled by China's extensive digital censorship and online surveillance capabilities, through which the authorities have monitored students' social media accounts and even accessed virtual communications between students and family members in China. Finally, students from Hong Kong said the city's repressive laws, such as the National Security Law and recently-enacted national security legislation under Article 23 of Hong Kong's Basic Law, exacerbated their fears, in particular due to the possibility that they be applied extraterritorially.

The chilling effect on campuses produced by transnational repression is felt by students and their professors, constraining academic discourse and preventing the open discussion of certain issues in university hallways and classrooms. Virtually all students interviewed by Amnesty International admitted to self-censoring their social interactions to some extent while overseas in fear of retaliation from the Chinese government. A majority also described limiting their participation in the classroom, due to the perceived risk that their comments might be reported to Chinese authorities. One-third of students interviewed told Amnesty International that this risk led them to change the focus of their studies, discontinue academic research or drop out of prospective careers in academia entirely. More than half of the students interviewed also said that they suffered mental health issues related to their fears, ranging from stress and trauma to severe paranoia and depression – in one case leading to hospitalization.

The failure to meaningfully address the fears of international students, and the resulting chilling effect on university campuses, risks the perpetuation of a system in which some students enjoy a lesser degree of rights protections than others. It also deprives impacted individuals – as well as researchers and teachers in host countries – of the opportunity to receive and benefit from the free thoughts, ideas and opinions of their colleagues, impeding academic exchanges and undermining the principle of academic freedom on campuses across affected regions.

Despite the prevalence of the fears reported by students, Amnesty International documented a widespread belief among students that both authorities and universities in their host countries are either unaware of these fears or are unwilling to respond to their concerns. In response to questions from Amnesty International regarding universities' efforts to meet their responsibility to students in the context of transnational repression, 24 leading universities in Europe and North America provided information on relevant policies and resources that was reviewed for this report. While the information demonstrates that some institutions have recognized and taken actions that might respond to students' concerns, many of those actions appear to be failing to achieve their intended effect of effectively protecting students' rights and upholding the principle of academic freedom.

Together with universities, host states for Chinese students abroad must urgently act to better protect and fulfil the rights of international students in the context of transnational repression. Developed in close consultation with students, Amnesty International recommends improving the resources and reporting mechanisms available to victims of transnational repression, better educating the public and relevant officials (both government and university) about the phenomenon of transnational repression, and improving communications with—and the involvement of—vulnerable communities in decisions affecting their human rights and freedoms in this regard.

Steps to counter transnational repression and foreign interference with academic freedom have accelerated recently at the EU level. In March 2023, the European Parliament also [called](#) for increased resources to facilitate reporting, investigations and attribution of transnational repression aimed at human rights defenders in the EU. The EU and its member states have committed in January 2024 [Council Conclusions](#) to “consider measures to prevent and tackle transnational repression, and encourage actions at the UN to address this increasingly grave global phenomenon”. In February 2024, the European Commission issued a [toolbox](#) aimed at mitigating foreign interference in research and innovation, including “best practices to support EU Higher Education Institutions and Research Performing Organisations in safeguarding their fundamental values, including academic freedom, integrity and institutional autonomy, as well as to protect their staff, students, research findings and assets.”

The EU has also already highlighted concerns specifically about China's use of transnational repression at the last two sessions of the UN Human Rights Council in March 2024 and September 2023, [asserting](#) that “[Human Rights Defenders], human rights lawyers, journalists, independent reporters, other media workers, academics, writers and intellectuals among others continue to be exposed to harassment, intimidation and surveillance, including at transnational level” and [urging](#) China to “refrain from any extraterritorial activity (including coercion) that is not in line with international law”.

In this spirit, the European Union and its member states should take action to counteract the impacts of transnational repression on international students from mainland China and Hong Kong, and work to mitigate its human rights impact. This can only be done through coordinated, strategic and coherent action both within the EU and in EU external action.

We therefore call on the EU and its member states to:

- Ensure a clear, public, ambitious and strategic EU approach to human rights in China focused on improving China's human rights record, uses all available instruments to address human rights violations by Chinese government officials and entities responsible for devising and implementing abusive policies domestically,

including in Hong Kong, Tibet, Xinjiang/the Uyghur region and Inner Mongolia, and against peaceful critics and human rights defenders.

- Engage with the Chinese authorities up to highest level, across EU-China relations and at multilateral fora, including by issuing public statements and demarches, condemning transnational repression and raising individual cases where possible and with the consent of those affected.
- Pro-actively develop policies aligning EU and national responses to the human rights impact of transnational repression, including on academic freedom and the rights to freedom of expression, peaceful assembly and association.
- Duly address transnational repression (including of students) in the development of any new law, policy and action regarding the protection of civic space and human rights defenders inside the EU.
- Support coordination among EU member state national authorities to fully investigate incidents of transnational repression and ensure accountability wherever it occurs.
- Pro-actively back universities in protecting academic freedom.
- Step up and boost coordination on funding opportunities and academic exchanges for students from mainland China and Hong Kong, and other countries who may face risks of transnational repression to allow them opportunities to safely and freely pursue their studies, in line with the July 2020 [Council Conclusions](#) on Hong Kong.
- Facilitate and expand the use of early career visas, and visas for at-risk communities (such as journalists and human rights defenders) provided for under national laws, in order to allow international students to stay and work in EU member states after graduation and defer potential return to their home countries.
- Promote the establishment of lifeboat schemes by EU member states, for particularly vulnerable individuals and communities, in line with the European Parliament's call in its April 2024 [resolution](#).
- Develop guidelines for EU and member state staff (including diplomats, migration and visa officers) aimed at raising awareness about the risks of transnational repression and providing guidance on how to effectively mitigate and respond to such risks. This could include ensuring the EU's own programmes have a risk-based due diligence approach, and seeking mitigation measures in the development of people-to-people cooperation programmes with partner countries and adapted visa policies for individuals facing transnational repression.
- Address transnational repression in all existing and new training programmes for law enforcement, judiciary, diplomats, officials and others, for example in the context of police and judicial cooperation and implementation of the Victims' Rights Directive.
- Support initiatives by universities and civil society to provide training on digital literacy and security to international students at risk in EU member states.

We are also sharing this letter with President of the European Commission Ursula von der Leyen and EU Commissioner for Justice Didier Reynders.

Thank you in advance for your action to protect and uphold the rights of Chinese students abroad.

Yours sincerely,



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Amnesty International