



## Sixteen international experts express “profound and grave concerns” about looming threat to religious freedom and Sacrament of Penance in Hong Kong

Today 16 international experts in freedom of religion or belief have expressed “profound and grave concerns” about the implications of the new Article 23 security law Hong Kong’s government is currently pushing through. It directly threatens religious freedom, and in particular the confidentiality of the Sacrament of Penance (otherwise known as the Sacrament of Reconciliation or “Confession”) in the Catholic Church.

The letter’s organisers are Benedict Rogers, the co-founder and Chief Executive of Hong Kong Watch and author of a new report titled [“Sell Out My Soul”: The Impending Threats to Freedom of Religion or Belief in Hong Kong](#) (November 2023), and Frances Hui, an exiled Hong Kong activist who is the Policy and Advocacy Coordinator at the Committee for Freedom in Hong Kong Foundation and the author of a report titled [Hostile Takeover: The CCP and Hong Kong’s Religious Communities](#) (January 2024). Signatories include the former Chair of the US Commission on International Religious Freedom Nadine Maenza, the Director of the Hudson Institute’s Center for Religious Freedom Nina Shea, and the Ethics and Public Policy Center’s Senior Fellow George Weigel, as well as several academics and Non-Governmental Organisations (NGOs).

Hong Kong’s Secretary for Justice Paul Lam Ting-kwok said last week that, under the new security law, a person could be punished with up to 14 years in prison for knowing that another person has committed “treason” but not telling the authorities within a reasonable time. The signatories say they are “profoundly alarmed” by that provision, as it has grave implications for the confidentiality of Confession in the Catholic Church and other Christian traditions.

The new law could force a priest to reveal what has been said in Confession, against his will and conscience and in total violation of the privacy of the individual confession. This clear

violation of Article 18 of the Universal Declaration of Human Rights must be condemned by people of conscience of all faiths and none throughout the world.

The statement urges the international community to speak out urgently in defence of Hong Kongers' religious freedom. It also urges Pope Francis and the Vatican, the Archbishop of Canterbury, and all other global religious leaders to speak out.

The full statement can be found below.

--

## **STATEMENT ON THE RELIGIOUS FREEDOM IMPLICATIONS OF ARTICLE 23 LEGISLATION**

As individuals and organisations dedicated to the values of human rights, the rule of law and especially freedom of religion or belief, as set out in Article 18 of the Universal Declaration of Human Rights, we express our profound and grave concerns about the implications for the practice of freedom of religion or belief in Hong Kong of the Hong Kong Special Administrative Region (HKSAR) Government's proposed new domestic security law, known as "Article 23" legislation, which was published last week.

We are especially profoundly alarmed by the suggestion made in remarks by Hong Kong's Secretary for Justice Paul Lam Ting-kiok last week that, under the new security law, the crime of "failing to disclose the commission of treason by others" means that if a person knows that another person has committed "treason" but fails to disclose the knowledge to the authorities within a reasonable time, that person is guilty of a crime punishable by up to 14 years in prison.

For many religious traditions, and especially for the Catholic Church, the practice of what is known as the Sacrament of Penance (otherwise known as the Sacrament of Reconciliation or "Confession") is a religious act of absolutely pivotal, sacrosanct importance.

At the heart of the Sacrament of Penance is the absolutely vital principle of confidentiality.

A confession is made by an individual, before a priest, in front of God and what is said in that conversation stays completely confidential between only three beings: the person making their confession, the priest hearing that confession, and God.

For the Catholic Church, what is known as the "Seal of Confession" is exactly that. While a priest might encourage a penitent who has committed a serious crime to confess that crime to the authorities, the priest cannot report it himself and must never be held criminally liable for having heard that confession.

To force a priest to reveal what has been said in Confession, against his will and conscience and in total violation of the privacy of the individual confessing, is a total violation of Article 18 of the Universal Declaration of Human Rights and as such is completely unacceptable and must be condemned by people of conscience of all faiths and none throughout the world.

More broadly, the proposed new security law, being introduced on top of the National Security Law imposed on Hong Kong by the National People's Congress in Beijing on 1 July, 2020, carries with it very serious implications for basic human rights, fundamental freedoms, the rule of law and Hong Kong's autonomy.

In particular, vague provisions within the law stretch 'national security' concepts to breaking point and open the potential for politically-motivated prosecutions under illegitimate 'national security' grounds.

The legislation lacks safeguards found in other common-law jurisdictions, such as a periodic review of the need for continued detention, and it undermines due process and the right to a fair trial, specifically through the proposal that 'eliminating certain procedures' to 'speed up' national security trials, and also the provision for extending police detention without charge, preventing contact between arrestees and lawyers of their choice, and denying those convicted under national security offences eligibility for up to a one-third reduction in their sentences for good behaviour.

The proposed legislation criminalises as 'sedition' any attempt to advocate for legislative changes or criticise the People's Republic of China and, where these activities are conducted by foreign NGOs, 'external interference'.

The trial of *Apple Daily* founder, Jimmy Lai, has already demonstrated how innocuous [text exchanges](#) with foreign journalists can count as evidence of courting 'foreign interference' in Hong Kong.

Given the extraterritoriality clause of the proposed legislation, advocating for democracy and the restoration of civil liberties in Hong Kong, anywhere in the world, could now constitute a crime and result in the cancellation of one's Hong Kong passport.

Two significant reports on the state of freedom of religion or belief have been published in recent months, first by Hong Kong Watch titled ["Sell Out My Soul": The Impending Threats to Freedom of Religion or Belief in Hong Kong](#), in November 2023, and then by the Committee for Freedom in Hong Kong Foundation, titled [Hostile Takeover: The CCP and Hong Kong's Religious Communities](#), in January 2024.

The international community, especially the United Nations Special Rapporteur for freedom of religion or belief, the United States Ambassador-at-Large for International Religious Freedom and the Office of International Religious Freedom, the United States Commission on International Religious Freedom, the European Union's Special Envoy on freedom of religion or belief outside the European Union, the United Kingdom Prime Minister's Special Envoy on freedom of religion or belief, and all members of the International Religious Freedom or Belief Alliance (IRFBA) must co-ordinate and speak out urgently on Hong Kong's Article 23 legislation and its religious freedom implications.

Furthermore, we call on Pope Francis and the Vatican, the Archbishop of Canterbury Justin Welby, and all other global religious leaders to speak out and to use their good offices to ensure that this new security legislation in Hong Kong does not result in further violations of freedom of religion or belief, freedom of expression or increased repression for practitioners of all faiths in Hong Kong.

We call for immediate, urgent and collective international action to defend freedom of religion or belief in Hong Kong.

Benedict Rogers, Co-founder and Chief Executive, Hong Kong Watch

Frances Hui, Policy and Advocacy Coordinator, The Committee for Freedom in Hong Kong Foundation

Scot Bower, Chief Executive, CSW

Bob Fu, Founder and President, China Aid

Lauren B. Homer, President, Law and Liberty Trust

Andrew Khoo, Advocate and Solicitor, High Court of Malaya, Malaysia.

Nadine Maenza, President of the International Religious Freedom Secretariat

Paul Marshall, Wilson Professor, Baylor University, and Senior Fellow, Religious Freedom Institute

Nina Shea, Director, Hudson Institute's Center for Religious Freedom

Dr. Nguyen Dinh Thang, PhD, Recipient of the 2011 Asia Democracy and Human Rights Award

Mervyn Thomas CMG, Chair of the UK Freedom of Religion or Belief (FoRB) Forum

David K. Trimble, Interim President, Religious Freedom Institute

George Weigel, Distinguished Senior Fellow and William E. Simon Chair in Catholic Studies, Ethics and Public Policy Center

Freedom House

Boat People SOS (BPSOS)

Uyghur Human Rights Project