



Right to Freedom of Assembly during Peaceful Protests in Crisis Situations: Convergence of Multiple Crises in Hong Kong

Civil Society submission to Mr. Clément Nyaletsossi VOULE
United Nations Special Rapporteur on the rights to freedom of peaceful
assembly and of association

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HRIC was founded in March 1989 by overseas Chinese students and scientists with a mission to support rights defenders and advance the institutional protection of international human rights in the People's Republic of China.

CONTENTS

	<u>Paras.</u>
I. Introduction	1 - 4
II. Convergence of Multiple Crises & Impact on Right to Freedom of Peaceful Assembly	5 - 28
A. Health Crisis: Targeted Rights Restrictions during the COVID-19 Pandemic	6 - 13
(i) COVID-19 Invoked as Justification for Rights Restrictions	7 - 9
(ii) Administrative Measures and Laws Invoked to Restrict Rights	10 - 13
B. Political and Social Crisis: Exponential Erosion of Fundamental Freedoms	14 - 28
(i) Mass Protests and Demands for Democratic Reforms Met with Draconian Security Legislation, Electoral Overhaul, and Crackdowns	15 - 20
(ii) Gender-Based Violence Against Women Activists	21 - 22
(iii) Discursive Tactic of Control: Enforcement of Official Crisis Narratives	23 - 28
III. Creative Resistance and Practices by Civil Society	29 - 35
A. Online Gatherings and Assemblies	31 - 32
B. Creative Collective Public Actions	32 - 35
IV. Suggestions for Positive Steps and Specific Measures	36 - 40

I. Introduction

(Note: all emphases in quoted passages have been added.)

1. Human Rights in China (HRIC) welcomes the opportunity to provide input into the next thematic report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association specifically addressing the protection of human rights in the context of peaceful protests during crisis situations.¹ In mainland China, the serious and ongoing rights repression has been extensively documented, including systematic human rights violations and use of forced labor in Xinjiang,² the intensifying assault on cultural and religious freedoms in Tibet,³ and the crackdown on human rights defenders and lawyers.⁴ These ongoing rights crises have generated wide international concern and responses, including from UN Special Procedures.⁵ The COVID-19 pandemic also highlighted how disinformation, information control, and censorship pose deadly threats to human rights,⁶ especially during its emergence in the People's Republic of China (PRC).⁷
2. HRIC's submission highlights the multiple crisis situations in the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China (PRC), namely: the COVID-19 pandemic health crisis, and the ongoing political and social crisis escalated by recent legal developments and drastic electoral overhauls. Through a human rights lens, this submission will focus on how these crises separately and in convergence have contributed to the severe ongoing rights restrictions in Hong Kong, including on the right to freedom of peaceful assembly. The multiple crises have been exacerbated by rights-restricting legislation and other measures such as prospective restraints on potential and future peaceful assemblies, which raise additional concerns regarding the overbroad use of legal and regulatory measures to undermine

¹ U.N. General Assembly, "Resolution adopted by the Human Rights Council on 17 July 2020: The promotion and protection of human rights in the context of peaceful protests," U.N. Doc. A/HRC/RES/44/20 (2020), <https://undocs.org/en/A/HRC/RES/44/20>.

² Michelle Bachelet, in HRIC, "Transcripts of Remarks on Xinjiang and Hong Kong by Michelle Bachelet, UN High Commissioner for Human Rights," December 11, 2020, <https://www.hrichina.org/en/press-work/hric-bulletin/transcripts-remarks-xinjiang-and-hong-kong-michelle-bachelet-un-high>.

³ Central Tibet Administration, "Five Pressing Human Rights Violation In Tibet: A Year in Review 2019," January 29, 2020, <https://tibet.net/five-pressing-human-rights-violation-in-tibet-a-year-in-review-2019/>.

⁴ Human Rights in China, "Input for report on disinformation: To the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression," February 15, 2021. This submission has not been made public. MS on file.

⁵ Office of the UN High Commissioner for Human Rights, "UN experts call for decisive measures to protect fundamental freedoms in China," June 26, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26006&LangID=E>.

⁶ U.N. General Assembly, "Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan: Disinformation and freedom of opinion and expression," (A/HRC/47/25), April 13, 2021, <https://undocs.org/A/HRC/47/25>.

⁷ Human Rights in China, "Input for report on disinformation: To the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression," February 15, 2021. This submission focuses on the human rights challenges posed when misinformation is created and disseminated by the state itself or by state supported actors. This submission has not been made public. MS on file.

the right to freedom of peaceful assembly. In addition, the authorities aggressively deploy official narratives to legitimize their crises framing and handling and as discursive tactics of control to limit criticism and permissible civil society actions. The overall impact of these developments is the undermining of a safe and enabling environment for civil society, including an increase in gender-based violence.

3. As examples of creative resistance and civil society practices that need to be recognized and protected, HRIC also highlights how peaceful protests in Hong Kong have expanded to include multiple forms of creative gatherings and resistance, including small group actions, online gatherings, and creative collective public actions. The evolution of assemblies and peaceful protests in the face of increasingly draconian restrictions highlights the ongoing resistance of ordinary citizens and their persistence in exercising their rights despite the significant erosion of fundamental freedoms, including the right to freedom of peaceful assembly.
4. Finally, HRIC offers suggestions for positive steps and measures that can be pursued by diverse stakeholders to contribute to ensuring the respect, protection, and fulfilment of the right to freedom of peaceful assembly and to continue and deepen effective support for civil society in Hong Kong.

II. Convergence of Multiple Crises & Impact on Right to Freedom of Peaceful Assembly

5. This section will describe the health, political, and social crises situations in Hong Kong and how each crisis has contributed to and aggravated the overall rights situation, in particular the right to freedom of peaceful assembly. As the above crises converge, official narratives (and the censorship of any competing narrative) are also deployed to legitimize the authorities' framing and handling of the crises and justify rights-restricting measures.⁸ As discursive tactics of control, these official narratives also limit criticism and permissible civil society actions. As the right to freedom of peaceful assembly is a key enabling right that supports the full enjoyment of civil, political, economic, social, and cultural rights, restrictions on it will impact other fundamental freedoms, such as the rights to freedom of opinion and expression and of political participation, contributing to further closure of already limited civic space.

A. Health Crisis: Targeted Rights Restrictions during the COVID-19 Pandemic

6. The COVID-19 pandemic has brought about the most significant global public health challenges since the last century. However, international human rights standards and normative guidance set out permissible restrictions on rights in the name of public health, security, or order. Per the

⁸ “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan: Disinformation and freedom of opinion and expression,” op. cit.

Joint Declaration on the Right to Freedom of Assembly and Democratic Governance of 2020,⁹ any crisis situations, including public health emergencies, must not be used as a pretext for rights infringements and the imposition of undue restrictions on public freedoms, which include blanket bans of assemblies.¹⁰ These general principles are underscored by specific guidance in the context of COVID-19. UN Secretary-General António Guterres stated that international law permits “certain restrictions on freedom of movement, including for . . . health emergencies” but that restrictions on free movement should be strictly necessary for that purpose, proportionate and non-discriminatory.”¹¹

(i) COVID-19 Invoked as Justification for Rights Restrictions

7. While the right to freedom of assembly and other rights are expressly protected under domestic and international law, COVID-19 has been invoked by the HKSAR authorities as justification for its handling of political and social crises and rights restrictions. Article 17 of the *Hong Kong Bill of Rights Ordinance*,¹² modeled on Article 21 of the *International Covenant on Civil and Political Rights* (ICCPR), expressly recognizes the right to freedom of peaceful assembly.¹³ Article 27 of the *Basic Law*¹⁴ also expressly provides for the right to freedom of assembly, and even mentions that there is a right to “strike.”¹⁵ Despite these protections in international law and domestic legislation, COVID-19 has been repeatedly invoked as justification for limiting citizens’ rights to freedom of peaceful assembly even when peaceful protests took place in compliance with existing public health regulations.¹⁶ Indicative examples are the anniversaries in 2020 and 2021 of the June Fourth military crackdown on the 1989 Democracy Movement in the PRC (also known as the Tiananmen Massacre), which witnessed the HKSAR authorities’

⁹ *JOINT DECLARATION ON THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND DEMOCRATIC GOVERNANCE* (2020), <https://www.ohchr.org/Documents/Issues/FAssociation/joint-declaration-democratic-governance/declaration-en.pdf>. See Preamble, Paras. 1 (f) and (g).

¹⁰ To elaborate, even during crises States have positive obligations to provide an enabling environment by taking steps to ensure peaceful assemblies can occur freely and that assemblies are protected from attacks including from counterdemonstrators. *Ibid.*

¹¹ UN Secretary-General António Guterres, “COVID-19 and Human Rights: We are all in this together,” April 2020.

¹² *Hong Kong Bill of Rights Ordinance* (Cap. 383) (1991), <https://www.elegislation.gov.hk/hk/cap383>.

¹³ Article 21 of the *ICCPR* reads: “the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” *International Covenant on Civil and Political Rights* (1976), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

¹⁴ *The Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China* (1990), https://www.basiclaw.gov.hk/en/basiclawtext/images/basiclaw_full_text_en.pdf.

¹⁵ Article 27 of the *Basic Law* reads: “Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.” *Ibid.*

¹⁶ “Hong Kong should drop criminal prosecution of 15 pro-democracy activists,” *Hong Kong Free Press*, May 17, 2020, <https://hongkongfp.com/2020/05/17/hong-kong-should-drop-criminal-prosecution-of-15-pro-democracy-activists/>.

relentless restrictions on all peaceful assemblies, as well as draconian actions against organizers and participants¹⁷ (described further below).

8. As the UN independent experts' joint communication of May 4, 2020¹⁸ (on the arrest of 15 pro-democracy activists in connection with their participation in peaceful protests between August and October 2019¹⁹) noted: “rather than seeking meaningful dialogue with protesters, these arrests seem to suggest the further stifling of protest and dissent at a time where assemblies are already severely restricted on the grounds of COVID-19 measures.” Indeed, the growing list of arrests, convictions, and related incidents continue to raise serious concerns regarding the use of COVID-19 to politicize and further suppress protest and assembly of all forms.
9. On June 4, 2021, more than 200 police sealed off Victoria Park—the site of the annual candlelight vigil where the people of Hong Kong commemorate June Fourth victims—in the afternoon to prevent any June Fourth related gatherings inside.²⁰ The force also deployed 7,000 police officers across the city²¹ with more than 3,000 anti-riot police on standby to stop any possible June Fourth commemoration gatherings near Victoria Park. The Police Tactical Unit conducted stop-and-search checks in the vicinity.²² By the end of that day, at least six people, aged 20-75, were arrested for June Fourth-related commemoration activities.²³ Even solo

¹⁷ Up until 2020, Hong Kong was the only place in China where residents could commemorate in public the victims of June Fourth. At the annual candlelight vigil in Victoria Park on June 4 every year, tens of thousands of Hong Kongers—sometimes reaching more than 100,000—peacefully gathered to remember and pay tribute to those killed. Human Rights in China, “CPC’s Enforced Amnesia of June Fourth Spreads to Hong Kong,” June 3, 2020, <https://www.hrichina.org/en/press-work/statement/cpcs-enforced-amnesia-june-fourth-spreads-hong-kong>. See also, Human Rights in China, “June Fourth Overview,” <https://www.hrichina.org/en/june-fourth-overview>.

¹⁸ U.N. experts’ joint communication of May 4, 2020 (AL CHN 9/2020), May 4, 2020,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25187>.

¹⁹ Human Rights in China, “Joint statement by FIDH & HRIC: Arrests of pro-democracy figures under the national security law condemned,” August 11, 2020, <https://www.hrichina.org/en/press-work/joint-statements/joint-statement-fidh-hric-arrests-pro-democracy-figures-under-national>.

²⁰ “Hong Kong park empty for the first time in 32 years as police surround venue to prevent banned Tiananmen Massacre vigil,” *Hong Kong Free Press*, June 4, 2021, <https://hongkongfp.com/2021/06/04/breaking-hong-kong-park-empty-for-the-first-time-in-32-years-as-police-surround-venue-for-tiananmen-massacre-vigil/>.

²¹ Clifford Lo, “Hong Kong police to put Victoria Park on lockdown, deploy 7,000 officers across city amid calls to attend banned Tiananmen vigil,” *South China Morning Post*, June 3, 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3135938/hong-kong-police-put-victoria-park-lockdown-deploy>.

²² Christy Leung and Clifford Lo, “Tiananmen vigil: Hong Kong police to put 3,000 anti-riot officers on standby, promising swift action against any unauthorized June 4 gatherings,” *South China Morning Post*, June 2, 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3135665/hong-kong-police-put-3000-anti-riot-officers-standby>.

²³ “Tiananmen vigil: at least six arrested as Hongkongers fan out across city to mark June 4,” *South China Morning Post*, June 4, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3136117/hong-kongs-tiananmen-vigil-candles-crowds-nowhere-sight>.

“Police arrests Student Politicism convenor Wong Yat Chin over setting up street booth in Mong Kok (【六四 32 周年】旺角開街站 賢學思政召集人王逸戰被捕 警指公眾地方行為不檢),” *Stand News* (立場新聞), June 4, 2021, <https://www.thestandnews.com/politics/%E5%85%AD%E5%9B%9B-32-%E5%91%A8%E5%B9%B4-%E6%97%BA%E8%A7%92%E9%96%8B%E8%A1%97%E7%AB%99-%E8%B3%A2%E5%AD%B8%E6%80%9D%E6%94%BF%E5%8F%AC%E9%9B%86%E4%BA%BA%E7%8E>

peaceful protestors are not allowed despite having breached no social distancing measures. Alexandra Wong (also known as Grandma Wong), a 65-year-old democracy activist, was arrested for a solo Tiananmen protest on May 31, 2021. Police arrested Wong for “knowingly participating in an unauthorized assembly and attempting to incite others to join an unauthorized assembly,” though she was only by herself holding a sign and a yellow umbrella.

(ii) Administrative Measures and Laws Invoked to Restrict Rights

10. Despite international standards on permissible restrictions on exercise of rights, including during a health crisis, the HKSAR authorities routinely deny applications for letters of no objections, without which, all assemblies, even when entirely peaceful, can be rendered illegal. The *Public Order Ordinance*²⁴ mandates that an assembly can only be conducted if the Commissioner of Police does not prohibit or object to the notice given at least seven days ahead, or it will be treated as an unauthorized assembly.²⁵ The amended law in 1997 further empowers the government to prohibit a public meeting or procession on the grounds of “national security” and “the protection of the rights and freedoms of others,” in addition to the already existing grounds for prohibition under the law of “public safety” and “public order.”²⁶
11. In 2021, the Leisure and Cultural Services Department suspended the processing of applications by the organizer of the annual vigil, the Hong Kong Alliance in Support of Patriotic Democratic Movements in China, to lease Victoria Park for the event.²⁷ The police also refused to issue the Letter of No Objection to the Alliance to host the vigil. This is despite the fact that COVID-19 in Hong Kong was under control then and other large-scale events were allowed to be held.²⁸ The Security Bureau warned in a statement on May 29, 2021: “the relevant meetings and procession are unauthorized assemblies. No one should take part in it, or advertise or publicize it . . . no matter [if] violence is involved or not.”²⁹

<https://www.elegislation.gov.hk/hk/cap245>

²⁴ The Ordinance governs all public assemblies in the territory and mandates that any public assembly which exceeds 50 persons shall give a notice to the Commissioner of Police not less than seven days prior to the intended event. Participants and organizers of an unauthorized assembly could be liable to a fine and imprisonment of up to five years, and up to ten years if found to be rioting. *Public Order Ordinance* (Cap. 245) (1967), <https://www.elegislation.gov.hk/hk/cap245>.

²⁵ “Information Note: Regulation of public assemblies in selected places (IN02/17-18)”, Legislative Council Secretariat Research Office, undated, <https://www.legco.gov.hk/research-publications/english/1718in02-regulation-of-public-assemblies-in-selected-places-20171123-e.pdf>.

²⁶ Laws on The Right to Peaceful Assembly (China), last updated May 2021, <https://www.rightofassembly.info/country/china>.

²⁷ Rhoda Kwan, “Hong Kong effectively bans Victoria Park’s Tiananmen Massacre vigil again, citing Covid-19 restrictions,” *Hong Kong Free Press*, April 28, 2021, <https://hongkongfp.com/2021/04/28/hong-kong-bans-victoria-parks-tiananmen-massacre-vigil-again-citing-covid-19-restrictions/>.

²⁸ Austin Ramzy, “The Hong Kong police, citing the pandemic, block Tiananmen anniversary events,” *The New York Times*, May 27, 2021, <https://www.nytimes.com/2021/05/27/world/asia/hong-kong-tiananmen-covid.html>.

²⁹ Tom Grundy, “Up to 5 years prison for attending Tiananmen Massacre vigil, Hong Kong gov’t warns – 1 year jail

12. However, freedom of peaceful assembly is not a privilege but a fundamental freedom, and the requirement of pre-authorization in Hong Kong presents hurdles as well as a questionable basis for the criminalization of the exercise of peaceful assembly. As General Comment No. 37 on the right of peaceful assembly³⁰ provides: failure to meet domestic legal requirements does not place the participant outside of the scope of Article 21 of the ICCPR and the fact that notification had not been given cannot render an assembly criminal or unlawful.
13. Other rights-restricting laws include the most recent *Prevention and Control of Disease (Prohibition on Group Gathering) Regulation*³¹ pertaining to social distancing measures put in place due to COVID-19 that limits gathering restrictions to four people in public; and the colonial-era *Emergency Regulations Ordinance*,³² granting the HKSAR Chief Executive the power to “make any regulations whatsoever” on “occasions of emergency or public danger,”³³ such as banning protesters from covering their faces in full or partially during protests.

B. Political and Social Crisis: Exponential Erosion of Fundamental Freedoms

14. General Comment No. 37³⁴ points out that peaceful assemblies often have expressive functions, and since political speech enjoys particular protection as a form of expression, it follows that assemblies with a political message should enjoy a heightened level of accommodation and protection.³⁵ This should therefore be the norm rather than the exception. Moreover, isolated acts of violence by some participants should not be attributed to other participants, and the presumption is in favor of considering assemblies to be peaceful.³⁶ Since 2019, the ongoing serious political and social crises in Hong Kong have contributed to the exponential erosion of fundamental rights, including the right to freedom of peaceful assembly.

(i) Mass Protests and Demands for Democratic Reforms Met with Draconian Security Legislation, Electoral Overhaul, and Crackdowns

for publicizing it,” *Hong Kong Free Press*, May 29, 2021, <https://hongkongfp.com/2021/05/29/up-to-5-years-prison-for-attending-tiananmen-massacre-vigil-hong-kong-govt-warns-1-year-jail-for-publicising-it/>.

³⁰ U.N. Human Rights Committee General Comment No. 37 (CCPR/C/GC/R.37), July 2020, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_37_9233_E.docx.

³¹ *Prevention and Control of Disease (Prohibition on Group Gathering) Regulation* (Cap. 599G) (2020), <https://www.elegislation.gov.hk/hk/cap599G>.

³² Anyone who wears mask at lawful rallies and marches, unlawful or unauthorised assemblies, or at riots could be sentenced to a year in jail and a fine of HK\$25,000. *Emergency Regulations Ordinance* (Cap. 241) (1999), <https://www.elegislation.gov.hk/hk/cap241>.

³³ Jan Wetzel, “The Hong Kong Government’s Use of Emergency Regulations Must Be Challenged,” *TIME*, October 22, 2019, <https://time.com/5706707/hong-kong-emergency-regulations-ordinance/>; James Pomfret and Greg Torode, “Explainer: Hong Kong’s controversial anti-mask ban and emergency regulations,” Reuters, October 4, 2019, <https://www.reuters.com/article/us-hongkong-protests-explainer-idUSKBN1WJ1FM>.

³⁴ U.N. Human Rights Committee General Comment No. 37 (CCPR/C/GC/R.37), op. cit.

³⁵ *Ibid.*

³⁶ *Ibid.* Para. 19.

15. The failure of the HKSAR authorities to respond to the concerns and demands of millions of peaceful demonstrators during the 2019 Anti-Extradition Law Amendment Bill (Anti-ELAB) movement³⁷ and the escalation of indiscriminate use of force by the Hong Kong Police Force fueled further social unrest and eruptions of violence. Official figures show that by April 2021, more than 10,200 people have been arrested in connection with Anti-ELAB protests, with 2,521 charged with a range of offenses including rioting and unlawful assembly, and 600 people convicted. Many more trials are still ongoing, and most of them are related to charges of rioting or unauthorized assemblies.³⁸
16. The promulgation of *The Law on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law, or “NSL”)*,³⁹ which came into effect on June 30, 2020, was Beijing’s response to its perception of an existential threat posed by the Hong Kong mass protests. The NSL’s goals include: the safeguarding of national security; preventing, suppressing, and imposing punishment for the offenses of secession, subversion; organization and perpetration of terrorist activities; and collusion with a foreign country or with external elements to endanger national security in relation to Hong Kong. In addition, administration officials are now pushing for the enactment of security legislation as required by Article 23 of the *Basic Law*.⁴⁰
17. Despite the overall draconian and vague provisions of the NSL, Article 4 of the NSL incorporates the ICCPR and ICESCR, ensuring rights are normatively protected. HRIC has highlighted the strategic necessity of insisting these rights provisions are not just dismissed as legislative fig-leaves. Instead, these rights must be invoked in defense of individual cases and to insist on the central Chinese and HKSAR governments’ compliance with international standards

³⁷ The Anti-ELAB movement refers to the months of protests in Hong Kong in response to a highly controversial proposed law amendment that would allow extraditions to the mainland, which may potentially expose Hong Kong to the mainland’s markedly different justice system and lead to erosion of judicial independence. “Hong Kong-China extradition plans explained,” *BBC News*, December 13, 2019, <https://www.bbc.com/news/world-asia-china-47810723>.

³⁸ Ng Kang-chung, “Hong Kong protests: more than 10,200 arrested in connection with unrest since 2019, government tells lawmakers,” *South China Morning Post*, April 9, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3128836/hong-kong-protests-more-10200-arrested-connection-unrest>.

³⁹ On 28 May 2020, citing in the wake of serious challenges to public order, the National People’s Congress adopted the Law on Safeguarding National Security in the Hong Kong Special Administrative Region (NSL). Laws on The Right to Peaceful Assembly (China), *Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (2020), <https://www.elegislation.gov.hk/hk/A406>. The NSL enjoys a special status as a national law applied under Article 18 of the *Basic Law*.

⁴⁰ Selina Cheng, “Hong Kong must also pass its own security legislation to ‘plug loopholes,’ says security chief,” *Hong Kong Free Press*, June 22, 2021, <https://hongkongfp.com/2021/06/22/hong-kong-must-also-pass-its-own-security-legislation-to-plug-loopholes-says-security-chief/>. Article 27 of Chapter III of the *Basic Law* stipulates that: “The Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People’s Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies.”

and their obligations.⁴¹ This is especially important amidst the escalating society-wide crackdown and the alarming undermining of a safe and enabling civil society environment affecting all sectors of civil society including the media, education, legal, and political sectors.

18. Attacks on independent media, academic freedom, and civic actions: in the wake of arrests, asset freezes, and increasing pressure, *Apple Daily*, the popular pro-democracy Chinese-language newspaper, was forced to close abruptly on June 23, 2021.⁴² Censorship of books, newspapers, and movies has steadily increased, and education content in schools as well as teachers are under increasing political scrutiny and requirements.⁴³ Additional developments have drastically chilled and restricted the safe exercise of fundamental rights, including:

- Extreme administrative measures: the student group “Local Youth Will” organized a charity event for the 2nd anniversary of Anti-ELAB movement in an art space, but the Food and Environmental Hygiene Department immediately launched a probe accusing them of breaching the *Places of Public Entertainment Ordinance* in organizing an unlicensed event.⁴⁴
- Targeting of student groups: the Hong Kong Federation of Students, which set up a street booth to urge continuation of resistance, was warned by the police not to incite the public.⁴⁵ On June 11, 2021, Wong Yat-chin and Wong Yuen-lam of Student Politicism, another

⁴¹ “[Too Soon to Concede the Future: The Implementation of The National Security Law for Hong Kong--An HRIC White Paper](https://www.hrichina.org/en/press-work/press-release/too-soon-concede-future-implementation-national-security-law-hong-kong-hric),” *Human Rights in China*, October 16, 2020, <https://www.hrichina.org/en/press-work/press-release/too-soon-concede-future-implementation-national-security-law-hong-kong-hric>.

⁴² Louisa Lim, “The closure of Apple Daily marks the start of a sinister new era for Hong Kong,” *The Guardian*, June 24, 2021, <https://www.theguardian.com/commentisfree/2021/jun/24/closure-apple-daily-hong-kong-china-regime>.

⁴³ “UDN: Ten Big Changes in Hong Kong after a Year of the HK National Security Law,” *CHINASCOPE*, July 6, 2021, <http://chinascopes.org/archives/26973>; and Human Rights in China, “HRIC’s submission to the United Nations Committee on Economic, Social and Cultural Rights regarding academic freedom in Hong Kong,” December 18, 2020, <https://www.hrichina.org/en/hric-report/hrics-submission-united-nations-committee-economic-social-and-cultural-rights-regarding>.

⁴⁴ “Student group is accused of organizing unlicensed 2nd anniversary Anti-ELAB movement event (學生團體辦「反送中」兩周年活動被指無娛樂牌照 食環登門蒐證),” *Ming Pao (明報)*, June 10, 2021, <https://news.mingpao.com/ins/%e6%b8%af%e8%81%9e/article/20210610/s00001/1623330915815/%e5%ad%b8%e7%94%9f%e5%9c%98%e9%ab%94%e8%be%a6%e3%80%8c%e5%8f%8d%e9%80%81%e4%b8%ad%e3%80%8d%e5%85%a9%e5%91%a8%e5%b9%b4%e6%b4%bb%e5%8b%95%e8%a2%ab%e6%8c%87%e7%84%a1%e5%a8%9b%e6%a8%82%e7%89%8c%e7%85%a7-%e9%a3%9f%e7%92%b0%e7%99%bb%e9%96%80%e8%92%90%e8%ad%89>.

⁴⁵ “Hong Kong Federation of Students sets up street booth to urge continuation of resistance; police warn of inciting the public (【6.12 兩週年】學聯擺街站籲勿忘抗爭 警指言論涉煽惑群眾),” *inmedia.hk (獨立媒體)*, June 12, 2021, <https://www.inmediahk.net/node/%E7%A4%BE%E9%81%8B/%E3%80%90612%E5%85%A9%E9%80%B1%E5%B9%B4%E3%80%91%E5%AD%B8%E8%81%AF%E6%93%BA%E8%A1%97%E7%AB%99%E7%B1%B2%E5%8B%BF%E5%BF%98%E6%8A%97%E7%88%AD-%E8%AD%A6%E6%8C%87%E8%A8%80%E8%AB%96%E6%B6%89%E7%85%BD%E6%83%91%E7%BE%A4%E7%9C%BE>.

student group, were arrested and detained on suspicion of promoting and inciting others to participate in unauthorized Anti-ELAB anniversary gatherings simply because they posted messages on various online platforms to invite other people to go to gatherings.⁴⁶

19. Undermining public political participation: in an effort to quash and side-line any opposition voices, the authorities have targeted political expression and participation, intensifying a widespread chilling of the political environment marked by rapid crackdown on pro-democracy politicians. Specific measures adopted by the HKSAR and central Chinese government authorities include: prosecution for subversion of those involved in the unofficial primaries organized in July 2020;⁴⁷ the promulgation of drastic electoral overhauls in March 2021 by the National People's Congress⁴⁸ aimed at ensuring a system in which only "patriots" govern Hong Kong;⁴⁹ and introduction of new oath-taking requirements emphasizing loyalty of all candidates as well as sitting representatives. More than 200 district councilors resigned in a one week in July 2021⁵⁰ amidst additional concerns about the future of district councils.
20. Prospective restraints: due to all the restrictions on the right to freedom of peaceful assembly, prospective restraints have been put in place for events and assemblies that authorities deem sensitive or dangerous. Ahead of July 1, 2021, the anniversary of the transfer of Hong Kong's sovereignty in 1997—also the date of an annual pro-democracy march—police sealed off Victoria Park and put up flags warning people that they could be prosecuted if they entered or remained in the enclosed area. Police had claimed there were online calls encouraging people to take part in an unauthorized protest although this cannot be verified.⁵¹ When netizens called for gatherings at Causeway Bay on June 12, 2021—to mark the 2nd anniversary of the beginning of the anti-ELAB movement—the police force deployed more than 2,000 officers in different major districts to stand by to prohibit any possible gatherings.⁵²

⁴⁶ Lilian Cheng and Danny Mok, "Hong Kong protests: police arrest student leaders over promotion of unauthorized gatherings for June 12 anniversary," *South China Morning Post*, June 11, 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3136957/hong-kong-protests-police-arrest-student-leader-over>.

⁴⁷ South China Morning Post, "LIVE: HK police press briefing after mass arrests [Video]," YouTube, January 6, 2021, <https://www.youtube.com/watch?v=PIFxMG9gDXw>.

⁴⁸ The Decision of the National People's Congress on Improving the Electoral System of the Hong Kong Special Administrative Region, 11 March 2021 was passed to ensure a system in which "patriots" govern Hong Kong and address foreign interference in Hong Kong's internal affairs.

⁴⁹ Vivian Wang, "Election Overhaul Plan Threatens to Sideline Hong Kong's Opposition," *The New York Times*, April 13, 2021, <https://www.nytimes.com/2021/04/13/world/asia/hong-kong-election-law.html>.

⁵⁰ The mass resignations were triggered by new oath-taking rules requiring district council members to pledge allegiance to the city's Basic Law and special administrative region and on the heels of government leaks suggesting they could be forced to return an entire year of salary and other funding. See Jeffie Lam, "Explainer | Hong Kong's district councils: with opposition members resigning in droves as oath looms, what happens next to these local bodies?," *South China Morning Post*, July 16, 2021, https://www.scmp.com/news/hong-kong/politics/article/3141388/why-are-hong-kongs-district-councillors-resigning-droves?utm_source=rss_feed.

⁵¹ Zen Soo, "Hong Kong bans handover protest as official defends law," Associated Press, July 2, 2021, <https://apnews.com/article/hong-kong-laws-31172585bd47515ac8d42a269512293d>.

⁵² Ng Kang-chung and Clifford Lo, "Hong Kong protests: police to deploy 2,000 officers as key anniversary looms," *South China Morning Post*, June 10, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3136819/hong->

(ii) Gender-Based Violence Against Women Activists

21. In his 2020 report “Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls,”⁵³ the Special Rapporteur acknowledged how women of all ages and backgrounds have been leading and inspiring social movements, peaceful protests, and civil society initiatives that seek to transform the world’s social, political, and economic structures. In relation to crisis situations, the Special Rapporteur remarked how “even in the most challenging times, when women exercise their rights to peacefully assemble and associate, it benefits the whole society.”⁵⁴
22. In Hong Kong, the unprecedented numbers of women and girls participating in the Anti-ELAB movement protests shattered existing gender norms and empowered a new generation of women activists.⁵⁵ At the same time, their activism also exposed them to various forms of gender-specific attack campaigns online and offline.⁵⁶ During the protests, women were subjected to verbal abuse targeting their physical appearances, rape threats, and smearing by doctored photos circulated online, many by suspected pro-establishment trolls. Outspoken female pro-democracy figures were targets of sexual harassment and cyber bullying,⁵⁷ such as Emilia Wong, a prominent feminist who was subjected to regular harassment online by counterdemonstrators such as pro-establishment supporters.⁵⁸ These gender-specific attacks undermined the women activists’ ability to safely exercise their fundamental rights, including the right to freedom of peaceful assembly.

(iii) Discursive Tactic of Control: Enforcement of Official Crisis Narratives

23. These political and social crises converge and impact each other, exacerbated by the ways in which the authorities have failed to respond to them within a rights-based framework. Instead of meaningfully addressing the root causes of the political and social protests, the authorities adopted a discursive tactic that instead contributed to exacerbating the health, political, and

[kong-police-mull-putting-2000-officers-citys-streets.](#)

⁵³ U.N. General Assembly, “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clement N. Voule: Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls,” (A/75/184), July 20, 2020, <https://undocs.org/A/75/184>.

⁵⁴ Ibid.

⁵⁵ Susanne Choi, “Housewife, mother, frontliner: A look at women in Hong Kong's anti-China extradition protests,” *Stand News & Global Voices*, July 7, 2021, <https://globalvoices.org/2020/07/07/housewife-mother-frontliner-a-look-at-women-in-hong-kongs-anti-china-extradition-protests/>.

⁵⁶ Human Rights in China on behalf of The Feminist Network Working Group, “China: Civil Society Submission to the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW),” February 1, 2021, https://www.hrichina.org/sites/default/files/feminist_network_loi_submission_china_february_1_2021.pdf.

⁵⁷ Ibid.

⁵⁸ Emilia Wong’s Facebook Post, April 4, 2021, <https://www.facebook.com/wykemilia/posts/1505220356301148>.

social crises described above. Through the deployment of officially sanctioned narratives, the authorities framed the crises as security threats within an overarching comprehensive securitized framework. The “political crisis” narrative advanced by the HKSAR and central Chinese governments claims that “radical protestors” and “external forces,”⁵⁹ and “violent,” “color-revolution”-like protests in 2019 pose existential threats to the regime and constitute a national security crisis.⁶⁰ This narrative framing was and is aggressively advanced through official media outlets, and at times echoed by foreign media and policymakers. This narrative was also invoked to legitimize the legislative and enforcement responses by the authorities and was a key rationale for the promulgation of the NSL.

24. The promotion of the official narrative is also a discursive tactic of control to censor competing narratives, control information flow, and criminalize any expression and citizen actions that are not in conformity with the officially sanctioned version of facts. Even satire or metaphors run the risk of being targeted as subversive. A recent example is the arrests of individuals responsible for the children’s books that used sheep and wolves to tell the story of the 2019 Anti-ELAB movement, and activists’ subsequent attempt to flee Hong Kong, and their eventual arrests.⁶¹
25. This official control of only one acceptable narrative is also related to the challenges posed by misinformation, disinformation, and propaganda.⁶² When the central Chinese and HKSAR authorities systematically and simultaneously suppress other sources while promoting their own false or misleading narratives, they are undermining the capacity of civil society to exercise their rights, including the right to seek and receive information under Article 19 (2) of the ICCPR.⁶³ And restrictions on the rights to receive and disseminate information adversely impact on the right to effectively organize and participate in peaceful gatherings. The misinformation campaigns, in tandem with the promotion of the official national security narrative, also undermine the capacity of the international community to fully understand the situation and to engage in constructive concerted international action.
26. The overall impact of these converging crises, the inadequate or disproportionate responses of the authorities to these crises, and the aggressive imposition of official narratives is the

⁵⁹ “Xinhua Headlines: How external forces have inflamed tensions in Hong Kong,” *Xinhua News*, August 21, 2019, http://www.xinhuanet.com/english/2019-08/21/c_1210250157.htm.

⁶⁰ “Xinhua Headlines: How violence has disrupted Hong Kong over last 2 months,” *Xinhua News*, August 17, 2019, http://www.xinhuanet.com/english/2019-08/17/c_138316863.htm.

⁶¹ “Five arrested in Hong Kong for sedition over children’s book about sheep,” Agence France-Presse, July 22, 2021, <https://www.theguardian.com/world/2021/jul/22/five-arrested-in-hong-kong-for-sedition-over-childrens-book-about-sheep>.

⁶² Human Rights in China, “Input for report on disinformation: To the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,” February 15, 2021. This submission has not been made public. MS on file.

⁶³ “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan: Disinformation and freedom of opinion and expression,” op. cit. Paras. 47 and 49.

intensification of the closure of civic space and the undermining of a safe and enabling environment for civil society, as evidenced by the crackdown on organizers and participants in public gatherings. Particularly for members of civil society, human rights defenders, and all those who express critical or different views, this is having a significant chilling effect on civil society and the exercise of rights protected by local and international laws.⁶⁴

27. Cracking down on assembly organizers: Civil Human Rights Front, Hong Kong's largest platform of over 50 NGOs and pan-democratic political parties as well as the organizer of many remarkable and peaceful mass protest since 2002, faced a mass exodus of different civil society groups after being investigated under the *National Security Law*.⁶⁵ Convenor Figo Chan Ho-wun is also serving 18 months in prison, after having been sentenced on May 28, 2021 for organizing an unauthorized assembly during the 2019 National Day protests.⁶⁶ On June 4, 2021, Chow Hang-tung, barrister and vice-chairwoman of Hong Kong Alliance in Support of Patriotic Democratic Movements in China, and a 20-year-old man were arrested in the early morning under the *Public Order Ordinance* on suspicion of publicizing unlawful assemblies through their social media accounts. Chow's arrest by the police was based on a social media post shared on her private account that said she would go to Victoria Park in the evening of June 4 in a personal capacity.⁶⁷ Chow has been denied bail and remains in custody.⁶⁸
28. Harsh prison sentences for vigil organizers to serve as warnings to the public: 26 high-profile pro-democracy figures were prosecuted for organizing, participating in, or inciting others to join an unauthorized assembly—the candlelight vigil in Victoria Park that was banned—on June 4, 2020.⁶⁹ On May 6, 2021, a month before the 32nd anniversary of June Fourth, four of the 26—Joshua Wong Chi-fung, Lester Shum Ngo-fai, Tiffany Yuen Ka-wai and Janelle Leung Hoi-

⁶⁴ UN experts' joint communication on the arrest of 15 pro-democracy activists in connection with their participation in peaceful protests (AL CHN 9/2020), May 4, 2020,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25187>.

⁶⁵ Danny Mok and Nadia Lam, "National security law: Hong Kong's largest opposition party joins exodus from mass protest organizer Civil Human Rights Front," *South China Morning Post*, March 15, 2021,

<https://www.scmp.com/news/hong-kong/politics/article/3125442/national-security-law-hong-kongs-biggest-teacher-union>.

⁶⁶ Jasmin Siu, "Hong Kong protests: Jimmy Lai jailed for 14 months over role in 2019 illegal rally, while co-defendants receive up to 18 months," *South China Morning Post*, May 28, 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3135158/hong-kong-protests-jimmy-lai-jailed-14-months-over>.

⁶⁷ Chan Ho-him and Clifford Lo, "Organiser of Hong Kong's Tiananmen vigil arrested on June 4 anniversary on suspicion of advertising or publicizing an unauthorized assembly," *South China Morning Post*, June 4, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3135986/tiananmen-vigil-organiser-arrested-june-4-anniversary>; and "Vigil organiser Chow Hang-tung arrested: sources," *Radio Television Hong Kong*, June 4, 2021, <https://news.rthk.hk/rthk/en/component/k2/1594219-20210604.htm>.

⁶⁸ Candice Chau, "Hong Kong Tiananmen Massacre vigil leader Chow Hang-tung denied bail over banned 2021 vigil," *Hong Kong Free Press*, July 2, 2021, <https://hongkongfp.com/2021/07/02/hong-kong-tiananmen-massacre-vigil-leader-chow-hang-tung-denied-bail-over-banned-2021-vigil/>.

⁶⁹ Selina Cheng, "Hong Kong's Joshua Wong and trio of fellow activists plead guilty to partaking in banned Tiananmen Massacre vigil," *Hong Kong Free Press*, April 30, 2021, <https://hongkongfp.com/2021/04/30/hong-kongs-joshua-wong-and-trio-of-fellow-activists-plead-guilty-to-partaking-in-banned-tiananmen-massacre-vigil/>.

ching—were sentenced to prison time after they pleaded guilty. These sentences were alarming warnings to discourage the public to attend any such assemblies or gatherings, even though no violence was involved at all.

III. Creative Resistance and Practices by Civil Society

29. Despite the steep challenges to the meaningful exercise of rights posed by the severely restricted environment in Hong Kong, civil society in Hong Kong are exhibiting creative resistance and developing diverse practices in asserting their rights. Peaceful protests and actions in Hong Kong have evolved beyond massive in-person assemblies into online assemblies and other forms of creative resistance such as less overt group gatherings linked by common gestures or actions such as carrying a white flower⁷⁰ or lighting a candle⁷¹ in public places.
30. General Comment No. 37 emphasizes that multiple forms of peaceful assembly are protected: “Article 21 of the Covenant [ICCPR] protects peaceful assemblies wherever they take place: outdoors, indoors and online; in public and private spaces; or a combination thereof. Such assemblies may take many forms, including demonstrations, protests, meetings, processions, rallies, sit-ins, candlelit vigils and flash mobs. They are protected under Article 21 whether they are stationary, such as pickets, or mobile, such as processions or marches.”⁷²

A. Online Gatherings and Assemblies

31. In this digital age, online platforms bear witness to the quick evolution of protest tactics and the empowering role that technology can play in sustaining protest movements and avoiding disaggregation.⁷³ Digitally enabled movement practices were central to the 2019 Anti-ELAB movement. Protesters used social media to mobilize and embrace participation across all sectors of society and utilized apps such as LIHKG, a multi-category forum website launched in 2016. LIHKG is also well known as one of the Anti-ELAB movement’s central platforms as it is a user-friendly virtual community space to discuss strategies and organize activities.⁷⁴ In Hong

⁷⁰ Nathan Vanderklippe, “With white flowers, vast crowds in Hong Kong commemorate a death and reject Chinese influence,” *The Global and Mail*, June 16, 2019, <https://www.theglobeandmail.com/world/article-with-white-flowers-vast-crowds-in-hong-kong-commemorate-a-death-and/>.

⁷¹ “End of Hong Kong’s Tiananmen vigil? Pockets of defiance as candles, lights, church groups mark June 4 in age of national security law,” *South China Morning Post*, June 5, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3136142/end-hong-kongs-tiananmen-vigil-pockets-defiance-candles>.

⁷² U.N. Human Rights Committee General Comment No. 37 (CCPR/C/GC/R.37), op. cit. Para. 6.

⁷³ Silvia Frosina, “Digital Revolution: How Social Media Shaped the 2019 Hong Kong Protests,” *Italian Institute for International Political Studies*, June 9, 2021, <https://www.ispionline.it/en/pubblicazione/digital-revolution-how-social-media-shaped-2019-hong-kong-protests-30756>.

⁷⁴ “Digital Revolution: How Social Media Shaped the 2019 Hong Kong Protests,” op. cit.

Kong, online assemblies have become a form of participatory democracy, enabling a future of digitally-aided protest actions in addition to in-person gatherings.

32. As COVID-19 continues to impact upon every aspect of the way people live, work, or communicate, it also expanded and normalized remote connections and collaborations for diverse stakeholders and among all sectors of society. There is also no longer a strict dichotomy between physical and online assemblies. Assemblies these days are often hybrids: online protests often accelerate and enable physical assemblies, which may often also happen online before and after. In the context of severe rights restrictions like that in Hong Kong, the creative use of both online and offline space to organize and conduct group gatherings and activities holds promise for the sustainable exercise of the right to freedom of peaceful assembly.

B. Creative Collective Public Actions

33. The creative forms of resistance and peaceful collective actions in Hong Kong⁷⁵ underscore this fact: no matter how the rights to freedom of peaceful assembly and association are being suppressed, ordinary citizens and members of civil society are continuing to organize themselves and find quieter and less overt ways to gather.
34. Simple actions and gestures: Creative resistance can be conveyed through simple actions. For example, hundreds of people wearing black lined up to leave flowers at the site outside Pacific Place where “raincoat man” Marco Leung Ling-kit fell to his death from a scaffolding during the 2019 protests.⁷⁶ Another expression of defiance is the display of blank white pages which symbolizes the inability of Hong Kong people to speak out and also “white terror” against protestors.⁷⁷ On June 4, 2021, as the candlelight vigil in Victoria and other “unauthorized” gatherings were banned, many Hong Kongers found simple ways to signal their remembrance of June Fourth victims publicly, without “gathering”: all over the city, pedestrians could be seen walking holding lit candles or cell phones with flashlight shining.⁷⁸ The twinkling of individual points of light sent a powerful message of resistance and solidarity.
35. Thoughtful creativity will continue to drive protest movements and peaceful assemblies forward as Hong Kong people continue to seek more innovative ways to organize themselves and express themselves in individual or group gatherings. These collective practices linking ordinary

⁷⁵ En Liang Khong, “Hong Kong and the art of dissent,” *Financial Times*, December 6, 2019, <https://www.ft.com/content/438210e8-16bc-11ea-8d73-6303645ac406>.

⁷⁶ Rhoda Kwan, “In Pictures: Hongkongers gather to mark two years since protester’s death, ignoring police warnings,” *Hong Kong Free Press*, June 16, 2021, <https://hongkongfp.com/2021/06/16/in-pictures-hongkongers-gather-to-mark-two-years-since-protesters-death-ignoring-police-warnings/>

⁷⁷ “Hong Kong protestors use ‘hidden language’ to dodge security law,” *Al Jazeera*, July 4, 2020, <https://www.aljazeera.com/news/2020/7/4/hong-kong-protesters-use-hidden-language-to-dodge-security-law>.

⁷⁸ “Remembering June Fourth in Hong Kong & New York,” *Human Rights in China*, June 4, 2021, <https://www.hrichina.org/en/remembering-june-fourth-hong-kong-new-york>.

citizens and civil society together need to be protected as important practices against the erosion of fundamental freedoms, especially in relation to the right to freedom of peaceful assembly in crisis situations.

IV. Suggestions for Positive Steps and Specific Measures

36. As this submission has highlighted, the challenges to ensuring respect, protection, and fulfilment of the right to freedom of peaceful assembly are steep and have been intensified following the convergence of multiple crises: the health pandemic, and social and political crises. In this extremely restrictive environment, citizens and civil society groups in Hong Kong continue to exercise their rights in creative ways. We outline suggestions for positive steps and measures that can be pursued by diverse stakeholders to continue and deepen effective support for the people of Hong Kong as well as promote greater accountability.
37. Independent expert fact-finding mission to Hong Kong: Despite the predictable responses and accusations of domestic interference by the Chinese government,⁷⁹ we urge the Special Rapporteur and international experts to continue to press for a fact-finding mission to China—a step widely supported by civil society groups and governments around the world. In light of expanded official control of the media and the overall chilling of the environment in Hong Kong, it is critical to insist on an on-the-ground mission (under standard UN terms of reference) to maintain international attention, collect information, assess the challenges, and advance constructive recommendations to the central Chinese and HKSAR governments to ensure their compliance with international standards.
38. Focused civil society consultations: the Special Rapporteur should build on previous in-region civil society exchanges and support further in-region and remote consultations with key stakeholders. Special attention to access by and security of civil society participants and representation from diverse civil society sectors would be key to ensuring safe and productive consultation exercises.
39. More strategic attention should be devoted to identifying and leveraging key international opportunities for governments, companies, and civil society to collectively promote greater accountability by the Chinese government. We identify some examples and suggested issues below:
- The 2022 Winter Olympics: international concerns are growing, as reflected in media reports, government hearings, and civil society actions pressing for moving or postponing

⁷⁹ Kang-chung, Ng, “National security law: UN rights official calls on Beijing to allow fact-finding mission to Hong Kong,” *South China Morning Post*, July 2, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3139525/national-security-law-un-rights-official-calls-beijing>.

the Olympics in light of the documented mass human rights violations on the mainland and in Hong Kong. The private sector and companies doing business or hoping for access to the China market need to be constructively engaged to ensure that their actions are in line with the UN Guiding Principles on Business and Human Rights⁸⁰ and other relevant international obligations. In addition, focused attention by the Special Rapporteur in conjunction with other mechanisms, such as the Working Group on the issue of human rights and transnational corporations and other business enterprises, and UN Special Procedures, should be broadened and deepened to address issues raised.

- Official UPR mid-term progress assessment (or equivalent) for China and civil society assessments: states can build on the outcome of China's last UPR in 2018 to press for implementation of recommendations relevant to advancing protections for the safe and meaningful exercise of fundamental rights, including the right to freedom of peaceful assembly. Civil society can also play a role in bringing attention to the progress or lack of progress.
- Treaty body reviews: the various treaty bodies have continued to highlight serious concerns about the deterioration of human rights and the lack of meaningful progress in the implementation by the HKSAR and central Chinese governments of treaty obligations, including the ICCPR and General Comment No. 37 guidance. In tandem with the treaty bodies process, the mandate focus on the right to freedom of peaceful assembly, which is critical to civil society participation and input, must be reflected in these reviews.

40. We take this opportunity to express our appreciation for and alignment with the individual and joint statements of concern and other communications by UN experts regarding Hong Kong developments, in particular regarding the promulgation⁸¹ and implementation of the *National Security Law*.⁸² These communications presented rigorous expert analyses necessary to ensure that domestic national security legislation complies with international standards. They have also sent an invaluable message of international support for civil society. We urge the continuation of these important public messages and statements and concrete follow-up with the authorities.

⁸⁰ United Nations Office of the High Commissioner of Human Rights, "Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework," 2011, https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.

⁸¹ UN experts' joint communication on the Decision of the National People's Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for Safeguarding National Security in the Hong Kong Special Administrative Region (OL CHN 13/2020), June 19, 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25354>.

⁸² Seven UN experts' communication to China urging review and reconsideration of National Security Law to comply with international law, September 1, 2020, at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25487>.