



HRIC’s Responses to the Questionnaire of the Special Rapporteur on the situation of human rights defenders:

On the positive change achieved by human rights defenders

1. Human Rights in China (HRIC) welcomes the opportunity to provide input into the next thematic report by the Special Rapporteur on the situation of human rights defenders on the positive change achieved by human rights defenders, which will be presented to the UN Human Rights Council in March 2023.
2. Because of the extremely repressive rights environments in both mainland China and the Hong Kong Special Administrative Region (SAR), only some—but not all—of the examples provided below include “sustained improvements in the human rights of others.” In these repressive and risk-laden environments, the definition of “victory” must also include speaking out and publicly asserting the rights that are protected under China’s domestic law and international law.
3. HRIC provides three examples of rights defenders in mainland China and three examples in the Hong Kong SAR. These examples illustrate the impact of defenders who have inspired gender justice movements, contributed to recognition of new legal cause of actions, raised public awareness, and achieved official accountability. In a severely rights restrictive environment, these diverse defender actions contribute to sustained improvement and progress in the longer term.

Three Examples from Mainland China

4. **Example 1: HUANG Xueqin and Chinese Feminists: Initiating #MeToo Movement in China.** Ms. Huang is an independent journalist and feminist activist. Her efforts in covering sexual violence issues and empowering sexual assault survivors in early 2018 helped start the #MeToo movement in China, significantly raising gender awareness among the Chinese public. She initiated a joint letter advocating the establishment of a campus anti-sexual harassment mechanism, signed by more than 3,000 people, that led to the Ministry of Education’s response that it has zero tolerance for sexual harassment and pledge to introduce a long-term mechanism to counter such harassment on campus. On December 12, 2018, the Supreme People’s Court issued the “Notice on Adding Causes of

Action for Civil Cases,” that included “sexual harassment damage liability dispute” as a new cause of action, effective from January 1, 2019.

5. Ms. Huang was arrested and forcibly disappeared for three months in 2019. She continued her advocacy after release. On September 19, 2021, she was arrested again and has not been heard from since.¹
6. **Example 2: COVID-19 Claims Legal Advisory Group: Supporting legal claims for government accountability and compensation.** Just months after the outbreak of COVID-19 in Wuhan, 18 human rights lawyers in China and abroad established the “COVID-19 Claims Legal Advisory Group” in March 2020, to provide free legal consultation and litigation rights support to families of the deceased in Wuhan and Shanghai—forming the only group in China that provides such legal aid. It has raised victims’ awareness of government responsibilities and their own ability to use the legal system to seek redress, and victims and their families have obtained more than RMB 900,000 (approximately \$124,716) in compensation. The disclosure of victims’ experiences also exposed the magnitude of the humanitarian disaster caused by the Chinese government’s deliberate concealment of the epidemic. The group’s actions have been reported by the media nearly 100 times.²
7. **Example 3: Peng Lifa and other defenders: Exercising the right to freedom of speech.** Demonstrations and protests are strictly prohibited in China, and pervasive surveillance poses extreme risk of prosecution or persecution to protesters in public actions. On October 13, 2022, just three days before the opening of the 20th CPC National Congress, Peng Lifa braved these risks and hung two banners on the Sitong

¹ Ben Westcott, Steven Jiang and Isaac Yee, “Chinese #MeToo activist and journalist who joined Hong Kong protests detained, friends say,” CNN, October 25, 2019, <https://www.cnn.com/2019/10/25/asia/huang-xueqin-hong-kong-metoo-intl-hnk>; Javier C. Hernández, “China Releases #MeToo Activist Who Covered Hong Kong Protests,” *The New York Times*, January 17, 2020, <https://www.nytimes.com/2020/01/17/world/asia/china-metoo-huang-xueqin.html>; Jessie Lau, “China’s Silenced Feminist: a BBC Eye investigation,” BBC News, May 18, 2022, <https://www.bbc.com/mediacentre/2022/bbc-eye-chinas-silenced-feminist>; Jessie Lau, “China’s silenced feminist: How Sophia Huang Xueqin went missing,” BBC News, May 18, 2022, <https://www.bbc.com/news/av/world-asia-china-61467135>; Wangwang, “Huang Xueqin: ‘How can a reporter not speak up’ (黃雪琴: ‘哪有記者不發聲’),” NGOCN, October 26, 2021, <https://ngocn2.org/article/2021-10-26-huang-xue-qin/>; CJO Staff Contributors Team, “China’s Workplace Sexual Harassment Cases of the 2010s,” China Justice Observer, December 6, 2020, <https://www.chinajusticeobserver.com/a/chinas-workplace-sexual-harassment-cases-of-the-2010s>.

² COVID-19 Claims Legal Advisory Group, “Against Odds, Wuhan Citizen Files First COVID-19 Case Against Government Authorities,” Human Rights in China, June 10, 2020, <https://www.hrichina.org/en/citizens-square/against-odds-wuhan-citizen-files-first-covid-19-case-against-government-authorities>; Tom Cheshire, “Coronavirus: This Wuhan woman is suing China - and wants an apology after her father died of COVID-19,” Sky News, <https://news.sky.com/story/coronavirus-this-wuhan-woman-is-suing-china-and-wants-an-apology-after-her-father-died-of-covid-19-12058695>; Agence France-Presse, “China blocking lawsuits against Wuhan administration, claim kin of COVID-19 victims,” Firstpost, <https://www.firstpost.com/world/china-blocking-lawsuits-against-wuhan-administration-claim-kin-of-covid-19-victims-8825951.html>; HRIC interview with Yang Zhanqing, the Coordinator of the COVID-19 Claims Legal Advisory Group, October 14, 2022.

Bridge in Beijing to protest Xi Jinping's rule and the Chinese government's inhumane Zero-COVID policies, demanding Xi to step down and urging the public to go on strike on October 16, the first day of the Party Congress. His action gave voice to the Chinese people and found instant reverberation on the Internet. Despite swift censorship by the authorities—of his name, “Sitong Bridge,” and related words—many people in China have also risked repercussion by widely reposting information about him on social media and posting his slogan on university campuses. (Overseas Chinese have also been posting his slogans on university walls in many parts of the world.) Peng was taken away by the police on the spot and has not been heard from so far.³

Three examples from Hong Kong SAR

8. In the more than two years since the promulgation of the *Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (NSL) on June 30, 2020, Beijing and the Hong Kong SAR authorities have severely curtailed the exercise of fundamental rights in Hong Kong, including the rights to freedom of peaceful assembly and association, to freedom of expression, and to participate. Through arrests, prolonged detention, and prosecution of individuals, and through intimidation and harassment of groups, the authorities have forced the closure of independent media outlets, and the disbandment of labor unions, including teachers' unions, and dozens of civil society organizations, including political groups.
9. Yet despite the repressive environment, individuals have stood up for the defense of their own rights and the rights of others and have achieved small but significant victories.
10. **Example 4: CHOW Hang-tung.** Ms. Chow, 37, is an imprisoned barrister and the former vice-chairwoman of the now disbanded Hong Kong Alliance in Support of Patriotic Democratic Movements, a key prodemocracy group that for three decades had organized the annual June Fourth candlelight vigil in Victoria Park commemorating the victims of the 1989 Tiananmen Massacre, until the gathering was banned beginning in 2020. Ms. Chow is currently serving prison sentences totaling 22 months on two convictions: inciting others and taking part in an unlawful assembly (the 2020 June Fourth vigil), and organizing an unlawful assembly (the 2021 June Fourth vigil).⁴

³ News.com.au, “Anti-Xi Jinping slogans spread across the world after Beijing protester vanishes,” New York Post, October 19, 2022, <https://nypost.com/2022/10/19/beijing-protester-peng-lifas-vanishing-prompts-anti-xi-jinping-slogans/>; “Protester arrested after humiliating Xi Jinping in epic stunt ahead of Communist Party Congress,” News.com.au, October 18, 2022, <https://www.news.com.au/world/asia/protester-arrested-after-humiliating-xi-jinping-in-epic-stunt-ahead-of-communist-party-congress/news-story/18cabb51c23cd0e86de47d3bd7992e5d>.

⁴ Candice Chau, “Hong Kong democrats to plead guilty over banned 2020 Tiananmen Massacre vigil,” *Hong Kong Free Press*, June 11, 2021, <https://hongkongfp.com/2021/06/11/hong-kong-democrats-to-plea-guilty-over-banned-2020-tiananmen-massacre-vigil/>; 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/>; Candice Chau, “Hong Kong Tiananmen Massacre vigil group leader denied bail over ‘inciting subversion’ national security charge,” *Hong Kong Free Press*, September 10, 2021,

11. **Standing up for freedom of the press.** Ms. Chow also faces two other charges: “inciting subversion of state power” under the *National Security Law* in connection with the 2021 June Fourth vigil; and “failing to comply with notice to provide information” on the Hong Kong Alliance which is being accused, also under the *National Security Law*, as working as an “agent” for foreign entities.⁵ It is in the latter case that she achieved a significant victory: She challenged the restrictions on media reporting on pre-trial proceedings (called committal proceedings) on national security cases, arguing that full reporting must be allowed in the interests of “open justice.”⁶ In August 2022, the Hong Kong High Court ruled to lift the restriction, potentially undoing the media blackout on pre-trial proceedings of all other national security cases.
12. **Standing up for the presumption of innocence through challenges against bail denial.** Ms. Chow has mounted a sustained series of challenges against the court’s denial of bail to her—15 times in total.⁷ As a result of these challenges, she received bail twice—on August 5, 2021,⁸ and on October 22, 2021.⁹
13. **Standing up for the right to freedom of speech.** Ms. Chow rejected the bail granted on October 22, 2021, as it came with a blanket prohibition on speech and actions that may

<https://hongkongfp.com/2021/09/10/hong-kong-tiananmen-massacre-vigil-group-leader-denied-bail-over-inciting-subversion-national-security-charge/>; and “Hong Kong: Arrests under Security Law, a serious concern,” *UN News*, October 12, 2021, <https://news.un.org/en/story/2021/10/1102882>.

⁵ Candice Chau, “Hong Kong Tiananmen Massacre vigil leaders plead not guilty to refusing national security data probe, bail denied,” *Hong Kong Free Press*, September 10, 2021, <https://hongkongfp.com/2021/09/10/hong-kong-tiananmen-massacre-vigil-leaders-plead-not-guilty-to-refusing-national-security-data-probe-bail-denied/>.

⁶ Jessie Pang and James Pomfret, “Hong Kong court lifts reporting restriction on national security case,” *Reuters*, August 17, 2022, <https://www.reuters.com/world/china/hong-kong-court-lifts-reporting-restriction-national-security-case-2022-08-17/>; and Candice Chau, “Barrister facing national security trial makes new bid to lift reporting restrictions,” *Hong Kong Free Press*, July 13, 2022, <https://hongkongfp.com/2022/07/12/barrister-facing-national-security-trial-makes-new-bid-to-lift-reporting-restrictions/>.

⁷ “鄧幸彤第 15 次申保釋遭拒 官指已多次申請 拒即時排期覆核聆訊日子 (Chow Hang-tung was refused bail for the 15th time; judge says she have applied for multiple times and refuses to immediately set a review hearing date),” *Inmediahk*, February 4, 2022,

<https://www.inmediahk.net/node/%E7%A4%BE%E9%81%8B/%E9%84%92%E5%B9%B8%E5%BD%A4%E7%AC%AC15%E6%AC%A1%E7%94%B3%E4%BF%9D%E9%87%8B%E9%81%AD%E6%8B%92%E5%AE%98%E6%8C%87%E5%B7%B2%E5%A4%9A%E6%AC%A1%E7%94%B3%E8%AB%8B-%E6%8B%92%E5%8D%B3%E6%99%82%E6%8E%92%E6%9C%9F%E8%A6%86%E6%A0%B8%E8%81%86%E8%A8%8A%E6%97%A5%E5%AD%90>.

⁸ Jasmine Siu, “Vice-chair of June 4 vigil organiser wins bail at Hong Kong High Court,” *South China Morning Post*, August 5, 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3143937/vice-chair-june-4-vigil-organiser-wins-bail-hong-kong>.

⁹ Selina Cheng, “Five ex-leaders of Hong Kong Tiananmen Massacre vigil group granted bail but 2 try to decline it on free speech grounds,” *Hong Kong Free Press*, October 22, 2021, <https://hongkongfp.com/2021/10/22/five-ex-leaders-of-hong-kong-tiananmen-massacre-vigil-group-granted-bail-but-2-try-to-decline-it-on-free-speech-grounds/>.

directly or indirectly endanger national security. She was quoted in the press as saying: “Physical liberty and freedom of speech—I will choose the latter.”¹⁰

14. **Example 5: Gwyneth HO Kwai-lam.** Ms. Ho, 32, former reporter of the now-defunct online news outlet *Stand News*, is one of 47 pro-democracy figures charged with “conspiracy to commit subversion” under the *National Security Law* in connection with organizing or participating in an unofficial primary on July 11-12, 2020.¹¹ She has been detained without bail since February 2021.
15. **Standing up for the right to freedom of speech.** Like Ms. Chow, Ms. Ho also made a stand in court to defend her right to freedom of speech: In her bail application plea on March 4, 2021, she said that she would not accept any bail condition that restrict her freedom of speech.¹²
16. **Standing up for freedom of the press.** Ms. Ho also challenged the court to lift restrictions on media reports on bail proceedings. She withdrew bail application after the court refused to lift these restrictions on September 8, 2021.¹³
17. **Example 6: BAO Choy yuk-ling.** Ms. Bao, 38, is an investigative journalist and worked as a freelance producer at the public broadcaster Radio Television Hong Kong (RTHK). On April 22, 2021, she was convicted of two counts of “knowingly submitting misleading information” to obtain public vehicles registration records for her award-winning investigative reporting exposing the police force’s delayed response to the Yuen Long mob attack on pro-democracy protesters on July 21, 2019.¹⁴ The government’s case was based on her selecting the third of three options provided on the request form as a reason to access the public data: legal proceedings, buying or selling a vehicle, or other traffic and transit related matters. There was no option for journalistic purposes.¹⁵ She was fined HK\$6,000 (\$700).
18. **Standing up for freedom of the press.** On May 5, 2021, Ms. Bao filed an appeal against her conviction, stating in a Facebook post that the decision to appeal was not an easy one

¹⁰ Ibid.

¹¹ Human Rights in China, “Prosecution of the Hong Kong 47: Rule of Law on Trial,” April 22, 2022, <https://www.hrichina.org/en/press-work/hric-bulletin/prosecution-hong-kong-47-rule-law-trial>; Human Rights in China, “The Hong Kong 47,” April 22, 2022, <https://www.hrichina.org/en/hong-kong-47>.

¹² “何桂藍：我不接受任何限制言論自由的保釋條件 (I don’t accept any bail conditions that restrict freedom of speech),” *The Reporter*, March 5, 2021, <https://www.twreporter.org/a/hong-kong-national-security-law-arrest-bail-hearing-statement-gwyneth-ho-kwai-lam>.

¹³ Jasmine Siu, “Jailed Hong Kong opposition activist ditches bail plan after judge refuses to lift reporting restrictions,” *South China Morning Post*, September 8, 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3147974/jailed-hong-kong-opposition-activist-ditches-bail-plan>.

¹⁴ Candice Chau, “Hong Kong court fines journalist HK\$6,000 for use of public records in documentary about police,” *Hong Kong Free Press*, April 22, 2021, <https://hongkongfp.com/2021/04/22/breaking-hong-kong-journalist-convicted-after-using-public-records-in-documentary-about-police/>.

¹⁵ Mary Hui, “A Hong Kong investigative journalist was convicted for a public records search,” *Quartz*, April 22, 2021, <https://qz.com/2000004/hong-kong-journalist-convicted-for-public-records-search/>.

to make, but a necessary one to safeguard the shrinking space for free speech.¹⁶ (Later that month, she was named a fellow by the Nieman Foundation for Journalism at Harvard University to study how independent and investigative news outlets can survive under authoritarian regimes.¹⁷)

19. Her appeal was heard in the Hong Kong High Court on August 29, 2022. Ms. Bao was quoted in the press as saying “I strongly believe any access to free information and matters to public interest should be granted to journalists for the sake of monitoring any abuse of power and also the proper use of power and also any wrongdoings,” and that she hoped “the appeal can do something for the [news] industry and Hong Kong’s freedom of press.”¹⁸ As of this submission, the court has not yet issued a ruling on her appeal. In a time when the Hong Kong SAR government accelerates its efforts to curb independent media outlets, as evident in the forced closure of *Apple Daily* and online news outlets including *Stand News*, as well as arrests of journalists,¹⁹ Choy is making a courageous and principled stand to defend freedom of the press in Hong Kong.

¹⁶ Rhoda Kwan, “Hong Kong journalist Bao Choy appeals conviction over accessing public data for documentary,” *Hong Kong Free Press*, May 5, 2021, <https://hongkongfp.com/2021/05/05/hong-kong-journalist-bao-choy-appeals-conviction-over-accessing-public-data-for-documentary/>.

¹⁷ Nieman Foundation for Journalism at Harvard, “Nieman Foundation for Journalism at Harvard announces the 84th class of fellows,” May 25, 2021, <https://nieman.harvard.edu/news/2021/05/nieman-foundation-announces-the-84th-class-of-fellows/>.

¹⁸ Almond Li, “Hong Kong court hears journalist Bao Choy’s appeal against conviction over accessing public data for documentary,” *Hong Kong Free Press*, August 29, 2022, <https://hongkongfp.com/2022/08/29/hong-kong-court-hears-journalist-bao-choys-appeal-against-conviction-over-accessing-public-data-for-documentary/>.

¹⁹ Reporters Without Borders, “Six months after Apple Daily, Hong Kong executive dismantles Stand News, another symbol of press freedom,” December 29, 2021, <https://rsf.org/en/six-months-after-apple-daily-hong-kong-executive-dismantles-stand-news-another-symbol-press-freedom>.