



## **Civil Society Organizations' Access to Resources & Rights to Freedom of Peaceful Assembly and of Association**

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

Submitted by Human Rights in China  
February 18, 2022

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.

## Introduction

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 pertaining to the study of trends, developments, and challenges regarding the ability of civil society organizations (CSOs) to access resources, including foreign funding. While the key trends, developments, and challenges facing mainland Chinese and Hong Kong civil society organizations are related, HRIC's submission will focus on civil society organizations in the Hong Kong Special Administrative Region (HKSAR or Hong Kong) in light of the rapid unprecedented deterioration of fundamental freedoms in Hong Kong's once vibrant civil society space.

We note that the human rights situation for civil society organizations<sup>1</sup> under the strictly regulated and politically controlled environment on the mainland<sup>2</sup> calls for ongoing monitoring and concern,<sup>3</sup> especially for grassroots or rights defense groups. Many domestic civil society organizations are government-organized nongovernmental organizations (GONGOs)<sup>4</sup> with close connections to the central or local authorities. Until recently, officially-sanctioned civil society organizations operating in approved sectors<sup>5</sup> (though the redlines for what is "approved"<sup>6</sup> shift) such as the environment, women's rights, or health, *can access resources* under carefully monitored programs, but only within a framework of official policy goals and initiatives.<sup>7</sup> For decades after the late 1980s, mainland CSOs were also able to access foreign resources to support exchange, training, and research activities in areas including rule of law and law training programs, environment initiatives, or collaborative gender research.

Since the promulgation of the *Law on Administration of Activities of Overseas Nongovernmental Organizations in Mainland China*<sup>8</sup> (FNGO Law), activities and registration of foreign NGOs' in-country representative offices have been subjected to detailed review and monitoring processes, impacting the programs of many foreign NGOs in these areas. The implementation of the FNGO Law has also impacted domestic groups' access to resources provided these foreign NGOs.

## I. State practices: key trends, challenges, and developments

### **1. What are the key trends, developments, and challenges affecting the ability of civil society organizations to access resources, including foreign funding, in your country, region, or globally?**

A key trend in China under Xi Jinping's leadership has been a turn away from Western ideas and concepts, linked to increasing official hostility and distrust of foreign sources,<sup>9</sup> which has expanded to impact upon civil society in Hong Kong. This distrust of foreign sources—reflected in national security measures and other key legal and political developments—has severely impacted access to resources by Hong Kong civil society organizations, in particular, pro-democracy groups, trade and student unions, social justice groups, and media outlets. Under an emerging comprehensive securitized legal and policy framework, the politicized criminalization of and administrative restrictions on peaceful exercise of the rights to freedoms of association and of assembly as well as right to freedom of expression have further undermined broad community support from local foundations, faith groups, as well as support from the public and foreign donors. The emergence of a local environment of white terror has also contributed to the reconsideration of ongoing support for local groups by risk-adverse donors.

## **2. What legislative, administrative, policy or regulatory measures have been adopted in recent years in your country, region or globally that affect the ability of civil society organizations to access resources, including foreign funding?**

The HKSAR authorities have employed various legislative, administrative, policy, and regulatory measures, often in concert, to crack down on civil society organizations and restrict their ability to access resources.

### ***The National Security Law for Hong Kong and its impact on CSOs' access to resources***

The *Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region*<sup>10</sup> (hereinafter referred to as the “*National Security Law*” or NSL) is the most significant legislative development to date. In 2019, millions of Hong Kong people took to the streets to protest against proposed amendments to Hong Kong's extradition law<sup>11</sup> that would have exposed Hong Kong people to a mainland legal system widely viewed as lacking transparency and contains inadequate due process protections. In a rushed and non-transparent process, the National People's Congress promulgated the *National Security Law* in 2020, citing the protests as one of the national security problems to be addressed by the NSL.<sup>12</sup>

The NSL prohibits and penalizes four key categories of offenses: secession; subversion, terrorist activities, and collusion with a foreign country or external elements to endanger national security.<sup>13</sup> The concerning expansion of police powers (including national security police) without safeguards highlights an expansion of the mainland national security regime into Hong Kong. The substantive provisions, marked by their broad scope and extraterritorial reach, lack of clear definitions, and draconian implementation targeting the peaceful exercise of rights, present serious challenges for civil society organizations, impacting their access to resources.<sup>14</sup> These impacts are described further below.

### ***Other legislative, administrative, policy, & regulatory measures and impact on CSOs' access to resources***

Further, the HKSAR authorities have employed a variety of other measures to clamp down on CSOs that have affected their operations and legal statuses, thereby affecting their abilities to operate, register, retain their members, fundraise, or even use their funds in the manner as intended. These measures include the *Crimes Ordinance (Cap. 200)*,<sup>15</sup> the *Trade Unions Ordinance (Cap. 332)*,<sup>16</sup> and the *Societies Ordinance (Cap. 151)*.<sup>17</sup>

#### **Search and seizures under the Crimes Ordinance**

There are several provisions in the *Crimes Ordinance* of which police officers (by definition, this includes national security police officers) are authorized to enter, search, and seize items from targeted premises. Of note is Article 13 which relates to the crime of sedition (Article 10, *Crimes Ordinance*),<sup>18</sup> where “any police officer [is authorized] to enter any premises or place named in the warrant, with such assistance as may be necessary, and if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place which the officer has reasonable ground for suspecting to be evidence of an offence under section 10.”<sup>19</sup>

Similarly, Article 65 also accords police officers similar powers to “search for things intended for use in committing offences of criminal damage.” Article 152 which relates to “general power of search and seizure” goes even further and provides that such authority may be awarded by “a police officer of the rank of superintendent or above has reason to suspect that an offence under this Part

has been or is being committed in or in respect of or in connexion with any premises or place or any vessel” where in turn he or she may in writing authorize any police officer for the purposes of the related offence.<sup>20</sup>

#### Restrictions on use of funds under the Trade Unions Ordinance

The *Trade Unions Ordinance* provides for the “registration and better control over trade unions.” Article 33 of the *Trade Unions Ordinance* provides for how registered trade unions may apply their funds and enumerates a list of permissible uses such as salaries, expenses, legal defense, or prosecution of actions, and “any other purpose which the Chief Executive may approve.” Subsection (2) of Article 33 highlights, further, that “a registered trade union that contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1.”<sup>21</sup>

On its face, the Ordinance appears to set out a reasonable registration framework and list of permissible uses of union funds, with the exception of the open-ended approval authority of the Chief Executive. However, the Ordinance has been used by the HKSAR authorities to question some CSOs on how they apply their funds and to accuse them of using their funds for political purposes and activities which do not fall under the list of approved activities in Article 33, such as in the case of the Hong Kong Journalists Association.<sup>22</sup>

Notably, Section 10(1)(b)(v) of the Ordinance provides that a union’s registration can be cancelled if “the funds of the trade union have been expended in an unlawful manner or for an unlawful purpose or for any purpose not authorized by the rules of the trade union,” such as for political purposes or activities.<sup>23</sup> A union’s registration can also be cancelled if “any funds of the trade union that have been utilized for any purpose connected with the trade union, or any members thereof, have willfully and after notice in writing from the Registrar requiring the same to be entered in the accounts of such trade union been omitted from the accounts thereof” (Section 10(1)(b)(vi), *Trade Unions Ordinance*).<sup>24</sup>

#### Deregistration under the Societies Ordinance

The *Societies Ordinance* provides for the registration of societies and the prohibition of the operation of certain societies. Applications for exemptions from registration may be made by societies “established solely for religious, charitable, social or recreational purposes or as a rural committee or a federation or other association of rural committees” (Article 5A (2), *Societies Ordinance*).<sup>25</sup> Article 5D of the *Societies Ordinance* on the cancellation of societies’ registration provides that “[t]he Societies Officer may, after consultation with the Secretary for Security cancel the registration or exemption from registration of a society or a branch—(a) if he reasonably believes that the cancellation is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others; or (b) if the society or the branch is a political body that has a connection with a foreign political organization or a political organization of Taiwan.”<sup>26</sup>

### **3. What are the main features of these measures? Please describe, in particular:**

**a. Specific areas of regulation (civil society and non-governmental organizations, funding, and taxation, counter-terrorism and anti-money laundering, national security and state sovereignty, foreign interference, transparency and aid effectiveness, public health and emergencies, such as the COVID-19 pandemic).**

**b. Types of obligations, prohibitions or sanctions imposed on associations and organizations, if any.**

**c. Administrative provisions or practices adopted in the implementation of these regulations.**

**d. Enforcement bodies, oversight mechanisms, and available safeguards.**

*Specific areas of regulation, types of obligations, prohibitions or sanctions imposed on associations and organizations, administrative provisions, or practices adopted*

Specific areas addressed by these measures include national security and counterterrorism, foreign support for domestic groups, criminal law sanctions, and regulation of specific civil society sectors and activities.

The NSL explicitly targets foreign funding. According to the HKSAR authorities, this offense was aimed at “driving away foreign agents, drying up funding from overseas for anti-government activists.”<sup>27</sup> According to Article 29 of the NSL on “collusion with a foreign country or external elements to endanger national security,” an individual could be guilty if one, *inter alia*, “directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation or individual outside the mainland, Hong Kong, and Macao of the People’s Republic of China.”<sup>28</sup>

Article 30 further elaborates that an individual could also be guilty of collusion as well as secession and subversion simultaneously. It states: “A person who conspires with or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation, or individual outside the mainland, Hong Kong, and Macao of the People’s Republic of China to commit the offences under Article 20 or 22 of this Law shall be liable to a more severe penalty in accordance with the provisions therein respectively.”<sup>29</sup>

*Enforcement bodies, oversight mechanisms, and available safeguards*

The NSL establishes four new government entities and a corresponding new structure of oversight and accountability that allow Beijing to assert direct and indirect control over all national security matters—from policy to investigation to prosecution and adjudication—in Hong Kong.<sup>30</sup> These four entities are: a) the Committee for Safeguarding National Security (CSNS), the executive and policy arm of Beijing’s national security enterprise in Hong Kong; b) the Office for Safeguarding National Security with on-the-ground rules relating to operation and coordination, oversight, policy, and cooperation with key Beijing representative bodies in Hong Kong; c) the Department for Safeguarding National Security of the Hong Kong Police Force or the national security police; and d) the Specialised National Security Crimes Prosecution Division of the Department of Justice responsible for the prosecution of offences endangering national security and other related legal work.<sup>31</sup>

**4. How do these measures compare with international standards and recommendations?**

Per international human rights standards, the ability to seek, receive, and use resources is inherent to the right to freedom of association and essential to the existence and effective operations of any association,<sup>32</sup> and any undue restrictions on resources available to associations impact the enjoyment of the right to freedom of association and also undermine civil, cultural, economic, political, and social rights as a whole.<sup>33</sup> States must allow associations to seek, receive, and use foreign funding as a part of their obligation under international human rights law to mobilize resources available within the society as a whole and from the international community.<sup>34</sup>

The *Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (1998)<sup>35</sup> states in Article 13: “Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means. . . .” The United Nations (UN) Special Rapporteur on the Situation of Human Rights Defenders’ Commentary on this Declaration<sup>36</sup> explains that “[w]hen individuals are free to exercise their right to associate, but are denied the resources to carry out activities and operate an organization, the right to freedom of association becomes void. The ability of human rights defenders to carry out their activities rests on their ability to receive funds and utilize them without undue restriction.”<sup>37</sup> (Emphasis added.)

However, in terms of specific provisions as well as clear legislative intent that is contrary to the obligations of the State and as aggressively implemented to politically target civil society organizations, the *National Security Law*, the *Crimes Ordinance*, as well as the *Societies Ordinance*, have fallen short of these standards both normatively and as implemented. As highlighted by many UN special procedures and the High Commissioner for Human Rights, many of the legislative, administrative, policy, and regulatory measures in the HKSAR described above impinge on the exercise of the rights to freedom of assembly and association as well as freedom of expression by restricting access to resources:

- On February 14, 2022, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism issued a communication<sup>38</sup> concluding that the NSL does not conform with China’s international obligations, particularly the *Universal Declaration of Human Rights*<sup>39</sup> and the *International Covenant on Civil and Political Rights*<sup>40</sup> (ICCPR). Further, the communication stresses that the ICCPR is still applicable to the NSL even if NSL prosecutions of individuals occur in mainland China, i.e., if cases from HKSAR are transferred to the mainland.<sup>41</sup> According to the Special Rapporteur, the NSL lacks precision in key respects and does not meet required thresholds of necessity, proportionality, and non-discrimination under international law.<sup>42</sup>
- In October 2021, four UN Special Rapporteurs raised concerns about the qualification of “foreign agent” in the NSL, noting that “[s]uch regulatory measures, by imposing undue restrictions on funding and punishing recipients of foreign funding, infringe on the right to freedom of association as well as other human rights.”<sup>43</sup>
- In a July 2020 press briefing, the UN High Commissioner for Human Rights expressed concern about the NSL’s Article 29 offense of “collusion with a foreign country or with external elements to endanger national security.” noting that this could lead to “a restriction of civic space and of the possibility for civil society actors to exercise their right to participate in public affairs,” and leading to criminalization of human rights defenders and activists for simply exercising their rights to freedom of expression, association, and peaceful assembly.<sup>44</sup>
- Five Special Rapporteurs and the Working Group on Arbitrary Detention similarly criticized Article 29 in September 2020, agreeing that the offence could affect both assemblies and speech acts.<sup>45</sup>

### **Crimes Ordinance: impact on CSOs’ operations and use of their resources**

Governments must refrain from adopting measures that disproportionately target or burden civil society organizations, such as imposing onerous vetting rules, procedures, or other CSO-specific requirements.<sup>46</sup> However, the authorization of police officers to enter, search and seize items under several articles of the *Crimes Ordinance* (depending on the offence in question, see Question 2),

directly limits the capacity of groups to function, and heightens the sensitivity and risks of their work, with resulting impacts on funders. The prospect of and the invocation of the Ordinance in high profile raids on media offices also contribute to intimidation and chilling of media outlets and news sources from publishing materials critical of the government, or otherwise deemed to constitute a national security threat.

**Societies Ordinance: *regulatory restriction on connections with foreign political organization***

Article 22 (1) of the ICCPR states that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests,”<sup>47</sup> which right must include the freedom of CSOs to associate with other groups, regardless of whether they are domestic or foreign, political in purpose or otherwise. Article 22 (2) of the ICCPR<sup>48</sup> states that “no restrictions may be placed on the exercise of this right other than those which are prescribed by 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.”

Article 5D (1)(b) of the *Societies Ordinance* states that a society or a branch may lose its registration or exemption from registration “if the society or the branch is a political body that has a connection with a foreign political organization. . .”<sup>49</sup> This imposes a regulatory restriction that undermines the right to association with any group including “domestic or foreign, political in purpose or otherwise.” Notably, subsection (1)(a) of Article 5D and its “national security” rationale, amongst others, has been invoked to deregister CSOs, especially pro-democracy groups such as the **Civil Human Rights Front**.<sup>50</sup>

**5. To what extent do these measures promote and facilitate organizations’ access to resources, including foreign funding? Please provide concrete examples of good practices with respect to measures taken by States in this regard.**

In light of the HKSAR authorities’ legislative intent, policies, and practices to restrict and control CSOs’ access to resources, it remains to be seen whether and how the mainland Chinese and HKSAR governments can be encouraged or urged to adopt good practices in line with international standards and practice.

**6. What are, in your opinion, the main drivers influencing the adoption of these measures?**

The main drivers influencing the adoption or application of the security-focused measures include: the removal or countering of foreign influence; and assertion of control over diverse voices, in particular, calls for democratic reforms or expression perceived as threats to State control.

***Removal or countering of foreign influence***

Ideologically, the Communist Party of China’s (CPC) and, particularly, Xi Jinping’s overall, comprehensive vision for a China in the 21st century is a China that takes center stage internationally and has restored its nationalistically-perceived<sup>51</sup> historical position of greatness.<sup>52</sup> A united China led by the central government with Xi Jinping as its helmsman<sup>53</sup> is one that is unified in language,<sup>54</sup> culture,<sup>55</sup> ideology,<sup>56</sup> and purpose, and so on. As this is the fundamental requirement of the vision, the removal of foreign influence (particularly as it tends toward a disruption of any of these unities) and, consequently, foreign money, as well as “Western” ideologies and ideas,<sup>57</sup> is necessary. The strategy of the NSL and related legislation is to remove completely or counter *completely* strains of divergent thinking and dissent,<sup>58</sup> as well as those who express them,<sup>59</sup> as any

successful resistance could serve as an indicator that, perhaps, a way of life and a means of governing that are different from those of the CPC are both possible and preferable.<sup>60</sup>

***Assertion of control over diverse voices, in particular, calls for democratic reforms or expression perceived as threats to State control***

In Hong Kong, the 2019 Anti-Extradition Law Amendment Bill (Anti-ELAB) movement in Hong Kong was viewed by the authorities as a challenge to the CPC's vision to unify people in Hong Kong "harmoniously".<sup>61</sup> This involved a series of mass protests that erupted in June 2019 after a proposed bill was introduced by the HKSAR government allowing criminal suspects to be possibly extradited to mainland China. Though the protests were dubbed a "leaderless movement," civil society that has long been actively involved in the city's social movements once again played an important part in mobilizing people and resources, demonstrating great support to the movement in solidarity.<sup>62</sup>

By January 2020, more than 70 pro-democracy labour unions were formed in the hope of influencing the upcoming Chief Executive election before the outbreak of COVID-19 pandemic and promulgation of the NSL led to the repression of civil society.<sup>63</sup> During the 2019 protests, the mainland Chinese authorities had condemned the movement and accused it of being backed by, interfered with, and funded by foreign countries, especially the United States.<sup>64</sup> In the wake of the Anti-ELAB movement, the Chinese government started to tighten the grip on Hong Kong's civil society, in particular, those groups that were active in the 2019 protests, by first imposing the NSL, as it viewed all pro-democracy groups as threats to its rule.<sup>65</sup>

**7. Have these measures been challenged through litigation or applications to the courts? Are there any regulatory reform efforts on the way? If so, please specify.**

Thus far, courts have been inadequate to act as adequate checks and balances to the overbroad and aggressive application of the NSL. The obstacles to effective legal challenges to the NSL include:

- appointment of Hong Kong judges by the Chief Executive to sit on national security law cases undermining independence of the judiciary<sup>66</sup> (Article 48 (6) of Section 1, Chapter IV (Political Structure) of *The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*) provides the Chief Executive may "appoint or remove judges of the courts at all levels in accordance with legal procedures"<sup>67</sup>);
- risk among lawyers representing defendants in national security cases of becoming targets themselves, under Beijing's non-transparent influence and politicization of the cases;<sup>68</sup> and
- limited power of final adjudication and interpretation of the NSL, as Article 65 of the NSL provides: "the power of interpretation of this Law shall be vested in the Standing Committee of the National People's Congress."

A case in point: in *HKSAR v. Lai Chee Ying* (2021), the Court of Final Appeal of the HKSAR ruled that it had no authority to constitutionally review the *National Security Law* under "any alleged incompatibility as between the NSL and the Basic Law or the ICCPR as applied to Hong Kong."<sup>69</sup>

Despite repeated urging by the international community, including civil society organizations, governments, and UN Special Rapporteurs that the authorities review, amend or withdraw the NSL,<sup>70</sup> there are no signals that the Central government under Xi Jinping intends to undertake reforms at the present time.



8. How has the adoption of these laws, regulations or policies impacted civil society organizations in your country, region or globally? Please indicate concrete examples.

9. What types of civil society organizations have been most impacted or targeted by these measures in your country, region or globally? Please indicate concrete examples.

Below are HRIC's responses to Questions 8 and 9:

The adoption of such laws, regulations, and policies have negatively impacted upon civil society organizations in Hong Kong. Fundamentally, every sector of the civil society has been comprehensively impacted upon, spanning across education, media, legal sectors, affecting also non-governmental organizations (NGOs), international non-governmental organizations (INGOs), trade unions, political parties, and students' unions. We describe below both the impact of these measures on the civil society organizations as well the types of civil society organizations impacted or targeted.

### *Impact of the National Security Law*

The promulgation and aggressive implementation of the NSL has elicited strong international concern, including from numerous UN experts in several joint statements.<sup>71</sup> The domestic impact is clear. In 2021 alone, at least 50 civil society organizations disbanded following the crackdowns on key segments of civil society that are critical to the protection of rights,<sup>72</sup> spanning across professional legal associations,<sup>73</sup> media groups, trade unions, political parties, and students' unions.<sup>74</sup> The NSL was widely used to arrest and prosecute senior staff and executives, raid offices, and freeze assets.<sup>75</sup>

In the current environment, the threat of a foreign collusion charge undermines the willingness of already risk-adverse institutional donors to provide support for civil society organizations, at a time when the need for resources is most acute to ensure survival. At the same time, civil society organizations in Hong Kong are also fearful of receiving funding from overseas funders. Local civil society organizations that have relied on foreign funding, including the New School for Democracy and Global Innovation Hub, have left Hong Kong as a result.<sup>76</sup> Even international non-governmental organizations (INGOs), such as Amnesty International Hong Kong, also closed offices in Hong Kong for fear of "serious reprisals" by the authorities under the law.<sup>77</sup>

Some key examples of prosecution of civil society organizations members for alleged "collusion with foreign forces" and the freezing of organization assets/threats to freeze are as follows:

- **Apple Daily.** On June 17, 2021, 200 police officers raided the headquarters of **Next Digital**, parent company of pro-democracy newspaper **Apple Daily**, confiscating dozens of computers and freezing HK\$18 million worth of assets of three related companies. Five top editors and executives were also arrested on the same day on suspicion of collusion with foreign forces under the National Security Law.<sup>78</sup> Since December 2020, founder Jimmy Lai Chee-ying has been detained under the same collusion charge and for alleged fraud while he has been in prison for unauthorized assemblies.<sup>79</sup> Lai's shares in **Next Digital Limited**, worth over HK\$300 million, and three related companies bank accounts he owns have also been frozen.<sup>80</sup> **Apple Daily was forced to close** on June 23, 2021, and a week later, **Next Digital Limited also shut down.**<sup>81</sup>
- **Hong Kong Confederation of Trade Unions.** A pro-democracy trade union coalition founded in 1990 that consisted of 93 affiliated groups and represented more than 145,000 members, the Hong Kong Confederation of Trade Unions also disbanded following the

attacks by state-controlled media outlets saying the union was an agent for foreign entities which might have breached the *National Security Law* that could possibly lead to freezing of all its assets.<sup>82</sup>

- **Hong Kong Alliance in Support of Patriotic Democratic Movements of China.** The disbandment of the 32-year-old Hong Kong Alliance in September 2021 was related to its being accused by the national security police of being an agent for foreign forces. The Alliance was asked by national security police to provide 32 years of information.<sup>83</sup> The police then arrested five of its committee members for violating the implementation rules of Article 43 of the *National Security Law* for refusing to provide information requested.<sup>84</sup> After the group disbanded, the national security police froze all its assets.<sup>85</sup>

However, in light of the extraterritorial provision of the *National Security Law* as encapsulated in Article 38,<sup>86</sup> its expansive territorial jurisdiction means that the impact of the law can potentially reach any individual, any group, and any civil society organization outside the territory of China, including those that provide support to local groups.<sup>87</sup>

#### *Media outlets shuttered under threat of sedition charges*<sup>88</sup>

- **Stand News.** Following the forced closure of *Apple Daily*, independent online news outlet *Stand News* stopped accepting donations, which was their major source of income.<sup>89</sup> On December 29, 2021, national security police arrested and searched the residences of six current and former senior staff on suspicion of conspiring to publish seditious publications under the Crime Ordinance. Over 200 national security police officers raided the offices and assets totalling HK\$61 million were frozen by the authorities. In the afternoon, *Stand News* announced it was halting operations immediately.<sup>90</sup>
- **Other Media Outlets.** In less than two weeks following the closure of *Stand News*, at least seven other independent online news media outlets, many of which raised funds in similar ways as *Stand News*, announced their closure,<sup>91</sup> highlighting the devastating impact of the targeting of media outlets and freezing of their assets on their ability to access their resources. The International Federation for Journalists has voiced concerns that the free media in Hong Kong has reached its “endgame.”<sup>92</sup>

#### *Investigation of use of funds under the Trade Unions Ordinance*<sup>93</sup> *and Societies Ordinance*

- **Hong Kong Journalists Association.** The Registry of Trade Unions has employed Article 33 of the Trade Unions Ordinance to target other trade unions, including the Hong Kong Journalists Association (HKJA), by questioning them on the use of funds for political purposes and activities, or revoking their registrations directly (using Article 10(1)(b)(v)-(vi) of the Trade Unions Ordinance) and freezing their assets.<sup>94</sup> All these measures have severely restricted the unions’ ability to function and use their own resources.
- **Civil Human Rights Front.** Article 5D of the *Societies Ordinance*<sup>95</sup> was used to target other civil society organizations, such as the Civil Human Rights Front (CHRF), a coalition with over 50 NGOs and pan-democratic political parties and, since 2002, the organizer of the largest pro-democracy demonstrations. On August 15, 2021, the CHRF announced disbandment citing “unprecedented challenges,” including the arrest of its convener Figo Chan Ho-wun, police investigation into its finances, operations,<sup>96</sup> and increased scrutiny from the government and pro-Beijing camp. Hours after the disbandment announcement, the police said they were looking into CHRF’s alleged breach of Article 5D (1)(b) of the Societies Ordinance, even though the CHRF had collaborated with the police in many mass rallies in Hong Kong for 20 years without breaching any laws.<sup>97</sup>

***Directly cutting off groups' funding from government bodies and cutting off all other forms of support (including administrative support)***

- **Teachers' Union.** In August 2021, the Hong Kong Professional Teachers' Union (HKPTU), the largest teachers' union in Hong Kong with over 95,000 members, also the largest trade union for a single profession in Hong Kong, disbanded after the Education Bureau suddenly cut ties with it, accusing it of infiltrating schools with politics.<sup>98</sup> The union had been attacked by state-run media outlets, which labelled it a "poisonous tumour" that must be "eradicated."
- **University Students' Unions.** At least six universities in Hong Kong cut ties with their students' unions since 2021. These universities withdrew administrative support, stopped collecting membership fees, took back the unions' physical office spaces,<sup>99</sup> or even "kept under custody" millions of Hong Kong dollars' worth of funds and reserves.<sup>100</sup> These drastic actions made the unions impossible to operate with barely any funds nor resources. On October 7, 2021, the 50-year-old Chinese University of Hong Kong's Students' Union (CUSU) announced disbandment, citing increased difficulties following the administration's withdrawal of support. It is expected that more students' unions will follow CUSU's path.<sup>101</sup>

***Impact of registration requirements***

- Various types of organizations are officially registered according to respective ordinances. However, these registrations have put these groups into vulnerable positions to be restricted, or even de-registered by the government, under, for example, Section 10(1)(b) (v)-(vi) of the *Trade Unions Ordinance*. The **Hong Kong Journalists Association (HKJA)**, the **Hospital Authority Employees Alliance (HAEA)**, and the **Hong Kong White Collar (Administration and Clerical) Connect Union**, registered under the *Trade Unions Ordinance*, received inquiry from the Registry of Trade Unions to explain whether their union activities complied with the ordinance, while the **General Union of Hong Kong Speech Therapists** was de-registered after members were arrested for publishing seditious materials.<sup>102</sup> Even if these groups are compliant with the requirements of their registrations, they could be stripped off their legal statuses since the power to determine their legality is in the hands of the authorities.

**10. To what extent has the COVID-19 pandemic affected civil society organizations' ability to access to resources in your country, region or globally? Have States in your country, region or globally adopted policies, good practices, and innovative approaches to ease and facilitate access to resources by civil society organizations during the health crisis? If so, please describe.**

While the COVID-19 pandemic has affected civil society organizations' operations in various ways, the necessity of pandemic-related restrictions has been invoked as a convenient excuse by the authorities to restrict their ability to do fundraising and access resources. Two major annual Hong Kong events where civil society organizations in Hong Kong assemble to call for support and raise fund are: the annual July 1 pro-democracy march, marking the anniversary of the transfer of Hong Kong's sovereignty in 1997 and since 2003 opposing the *Article 23* legislation; and the annual June Fourth candlelight vigil, commemorating June Fourth victims since 1990. At these public gatherings, pro-democracy political parties and advocacy groups set up street booths along the marching route and at the entrance to the vigil at Victoria Park, where thousands of people support by donating money to different groups.<sup>103</sup>

Both were banned for two consecutive years, in 2020 and 2021, by the government, citing public gatherings restrictions and public health concern due to the COVID-19 pandemic,<sup>104</sup> leaving many pro-democracy groups in dire financial situation and impeding their operations.<sup>105</sup> Both the Civil Human Rights Front and the Hong Kong Alliance in Support of Patriotic Democratic Movements in China, organizers of the July 1 march and June Fourth vigil, respectively, were disbanded in 2021, following arrests of their leaders and accusation by the authorities of their foreign ties.<sup>106</sup>

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.<sup>107</sup> The police also refused to issue the Letter of No Objection to the Alliance to host the vigil, despite the fact that COVID-19 in Hong Kong was under control then and other large-scale events were allowed to be held.<sup>108</sup> The COVID-19 restrictions has been repeatedly invoked not only to restrict civil society organizations the freedom of assembly, but also their abilities to solicit donations from the general public, a major source of their support.

However, in addition to the failure of HKSAR authorities to effectively controlled COVID-19, especially the recent Omicron wave,<sup>109</sup> the corruption scandal of Hong Kong officials blatantly ignoring COVID restrictions on group gatherings<sup>110</sup> highlight the politicized weaponization of pandemic restrictions against civil society groups.

#### **11. What are recent examples of good practice and standards in CSO-led self-regulation, and transparency and accountability mechanisms in your country or region?**

In the context of a hostile civil society environment created by the NSL and the application of existing laws to target and penalize civil society organizations, local groups, in particular the unions, have engaged in transparent, inclusive decision-making processes to ensure accountability to their group members. Amidst a surge of CSO disbandment in 2021, different groups organized special member meetings to address difficult decisions regarding organizational survival and sustainability. Two prominent examples include:

- On October 4, the dissolution of the Hong Kong Confederation of Trade Unions (HKCTU) was backed by a vote of 57 to eight.<sup>111</sup>
- On September 11, 2021, around 140 members of the Hong Kong Professional Teachers' Union (HKPTU) attended a special meeting and 130 voted in favour of disbanding. It was decided that the group's assets would be distributed among its 95,000 members after paying off debts.<sup>112</sup>

## **II. Donor practices**

#### **12. What are the impacts of donor requirements (positive and negative) in the ability of civil society organizations to access resources in your country, region or globally? Please specify types of donors in your answer (i.e., private philanthropy, development agencies, financial institutions).**

As a general matter, the impacts of donor requirements must be contextualized within significant developments that impact the local, regional, and global operating environment(s) for both donors and for civil society organizations. These include:

- a well-documented global trend towards increasing number of authoritarian regimes as well as spreading/intensifying anti-democratic trends;
- steep and intensifying operational and sustainability challenges faced by civil society organizations (including human rights groups), created by national legal, political, and

ideological constraints on the peaceful exercise of the rights to freedom of peaceful assembly and of association; and

- COVID-19 pandemic-related policies and practices such as social distancing, travel restrictions, and hybridized remote and in-person methods of work.

These developments have an overall impact on donor requirements, policies, and practices, including risk assessments and funding priorities. They also affect the ability of civil society organizations to access resources as well as to meet donor requirements safely and effectively.

In the climate of white terror and repression in Hong Kong, donor requirements that distinguish between “inside” and “outside” civil society organizations and that require civil society organizations to be based in the country or region of interest can also be a dangerous requirement for those “inside” the country. In the face of growing transnational repression, and extraterritorial reach of national security legislation such as the NSL, civil society organizations “outside” are also no longer safe. While sustainable change and progress must come from within a country, the integration, and connections between stakeholders as well as resources from outside a country are also critical to promoting that domestic progress.

Other specific donor practices and requirements by institutional donors such as foundations and governments that also impact access to resources include short funding timeframes and monitoring and evaluation approaches. Short-term efforts cannot contribute effectively to meaningful and sustained long term progress. This not only contributes to the “nonprofit starvation cycle,” but also aggravates it.<sup>113</sup> In rights restrictive settings, results for reforms and progress in human rights are also not easily predictable and require a degree of flexibility. Underlying this is a chicken and egg problem—donors require civil society organizations to show sustainability as requirement for support, but reliable support is needed for sustainability. However, civil society organizations often have to operate within short grant periods of 1- 3 years and are required to show sustainability as a condition to accessing ongoing resources, but it is the reliability of access to ongoing resources that is critical to sustainability.

Debates regarding the relationship between development and human rights fields have a long history, but the normative principle today is clear: to be sustainable, development must be engaged within a human rights framework. However, donor practices and requirements embedded in development funding models and exported to human rights funding programs present additional challenges that impact on civil society organizations’ ability to access resources. For example, the practice of development agencies working with civil society through direct relationships with the national or local government is obviously problematic in rights restricting regimes such as China.

Requirements or preference that international civil society organizations identify local partners also present heightened risks to all groups involved, particularly under the NSL in Hong Kong that treats collaboration as a potential foreign collusion crime. Finally, most institutional donors such as foundations and government agencies use monitoring and evaluation frameworks and tools also borrowed from the development sector for a range of civil society organizations, including human rights groups. In rights restrictive settings, the gathering of information to implement monitoring and evaluation requirements can present security risks to the participants in the activities as well as as privacy concerns regarding how data is collected, stored, and shared.

**13. Have donors in your country, region or globally adopted policies, good practices, and innovative approaches to ease and facilitate access to resources by civil society organizations during the COVID-19 pandemic? If so, please describe.**

International donor policies and practices in rights-restrictive countries have had to address the global and specific impacts that COVID-19 had and have on not only access to resources, but on the capacity of civil society organizations and human rights groups to use those resources to safely and effectively deliver funded program work. For these groups to be sustainable, they must safely access resources and effectively use resources. In mainland China and Hong Kong, the access of and receipt of foreign resources, including all types of funding, training, technical assistance, or engagement in collaboration projects became the basis for criminal prosecution under the NSL, under which legitimate peaceful exercise of the freedom of association and assembly are criminalized, creating a chilled atmosphere and climate of white terror.<sup>114</sup>

However, donor policies and practices must also address the constraints imposed by COVID-19 on the ability of civil society and human rights groups to use those resources effectively and safely. For example, social distancing, health quarantines, restrictions of travel and gatherings seriously impacted the ability of many civil society and human rights groups to fully deliver results within the original funding timeframes which were limited to begin with.

General good practices adopted by some institutional donors include extending the funding time periods; allowing for revised program workplans; as well as greater donor flexibility in working with civil society organizations to address the heightened risks (including security risks to personnel, reporting risks, and privacy risks in light of the increased use of surveillance technology in health-related tracking).

### **III. Recommendations**

#### **14. What concrete measures should States do to facilitate access to resources by civil society organizations in your country, region or globally?**

States might consider the following measures:

- Development of more holistic and integrated multi-pronged measures that center a rights-based approach at policy, practice, and structural levels;
- Review of policies and practices to ensure effective and safe access to resources including conducting iterative due diligence and risks assessments and systematic regular inputs from affected groups;
- Legislative measures to provide support to civil society organizations and human rights groups operating or forced to operate outside of the national environments or countries, and their relationships to local groups on the ground.

#### **15. What can other actors, including international organizations and the donor community, do to encourage and support States in fulfilling their obligations to facilitate access to resources to civil society organizations?**

Within a rights-based framework, civil society organizations can continue to monitor the practices and policies of States and press for States to fulfil their obligations to facilitate access to resources, including through contributions to and participation in multistakeholder fora, and constructively highlighting the challenges and advancing concrete recommendations to promote greater compliance and progress by States.

Different stakeholders, such as government agencies and foundations can share information, priorities, and approaches to maximize impact and leverage their respective experiences to constructively promote States' compliance with their obligations. These multi-stakeholder

discussions should also include the input and meaningful participation of civil society organizations.

**16. What concrete measures should States and other stakeholders introduce to improve the financial sustainability of civil society organizations to ensure they can contribute in building back better during and after the COVID-19 pandemic?**

The starting point for all States and stakeholders is to recognize that although there will be an “after,” there is no “back to normal” to pre-COVID-19 times as we are now living in a very different world—a world facing multiple existential crises and threats, including the impacts of climate change and a mutating COVID-19 virus.

Given that human rights trends have shifted<sup>115</sup> more broadly, a broader range of funding models and approaches also needs to be developed to effectively meet the needs of civil society organizations for resources, in particular for supporting civil society organizations in politically and legally restrictive environments such as in Hong Kong.

Some concrete measures that States and donors can take include:

- First, States and donors can adopt more flexible experienced-based approaches that integrate longer-term support commitments, with reasonable requirements for safely and effectively demonstrating ongoing progress. As our response to Question 13 describes, some donors have adopted more flexibility to address the impacts of the COVID-19 pandemic on civil society organizations’ ability to operate and deliver;
- Finally, in the context of the ongoing COVID-19 pandemic, the constructive and important work of civil society organizations in devising meaningful new ways to solve problems and help communities should be recognized and supported by States and all stakeholders and beneficiaries. Hong Kong civil society organizations’ efforts to combat COVID-19 and to act as a checks and balance against the HKSAR government were well-documented and lauded. Adopting a “society-centered bottom-up approach,”<sup>116</sup> the partnership between bureaucracy and civil society led to stronger accountability and transparency. In 2019, COVID-19 cases were more under control when civil society was taking the lead.<sup>117</sup>
- Given that the COVID-19 situation is continuing to evolve and worsen,<sup>118</sup> with the move back to more stringent requirements now, creative alliances and cooperation between civil society organizations and the government should be encouraged and supported, including through concrete financial support to the civil society sector.

A robust independent civil society is critical to building more democratic, open, and rights-respecting societies. At issue in Hong Kong and elsewhere is the protection and sustainability of a safe and enabling environment in the face of steep challenges and rights and democracy rollbacks. Adequate and effective access to resources is where the rubber meets the sustainability road.<sup>119</sup>

---

<sup>1</sup> There are three types of civil society organizations, namely: social organizations or member-based groups known as “people’s society organizations”; civilian non-enterprise units which provide public goods such as social services and private schools; as well as not-for-profit arms of huge companies and other civil society actors registered as enterprises. See: NGO Research Center, *A Nascent Civil Society within a Transforming Environment: CIVICUS Civil Society Index Report China (Mainland)* (Beijing: Tsinghua University, 2006).

<sup>2</sup> Human Rights in China, “Stakeholder Submission to the 2018 Universal Periodic Review of China,” March 2018, [https://www.hrichina.org/sites/default/files/hric\\_china\\_upr\\_2018\\_submission.pdf](https://www.hrichina.org/sites/default/files/hric_china_upr_2018_submission.pdf). This submission was intended as constructive input into China’s Third Universal Periodic Review, by highlighting two key structural challenges presented by current domestic developments and China’s aggressive international

engagement: the negative impact of (1) legal and political developments on a safe and enabling environment for civil society; and (2) China's international efforts to advance new concepts, terms, and models on the foundation of the international human rights system: accountability of states, and the universality of human rights norms.

<sup>3</sup> Human Rights in China, "Ensuring Safe & Sustainable Civil Society Space Within UN Human Rights Bodies: Challenges & Recommendations," September 30, 2017, [https://www.hrichina.org/sites/default/files/civil\\_society\\_space\\_in\\_multilateral\\_institutions\\_hric\\_submission\\_sept\\_30\\_2017.pdf](https://www.hrichina.org/sites/default/files/civil_society_space_in_multilateral_institutions_hric_submission_sept_30_2017.pdf). This submission was intended as input into the report by the High Commissioner on the procedures and practices of civil society involvement with regional and international organizations requested under the Human Rights Council (HRC) Resolution 32/31.

<sup>4</sup> Bates Gill J., Stephen Morrison, and Xiaoqing Lu, "China's Civil Society Organizations: What Future in the Health Sector?," *Center for Strategic and International Studies*, November 2007, [https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy\\_files/files/media/csis/pubs/071102\\_chinacivilsociety.pdf](https://csis-website-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/media/csis/pubs/071102_chinacivilsociety.pdf).

<sup>5</sup> According to the China Civil Affairs Statistical Yearbook 2021 with the latest publicly available information on civil society organizations in the PRC, the number of social organizations by the end of 2020 totaled 894,162. See: "报告精读 | 社会组织蓝皮书：中国社会组织报告（2021）(Report Analysis | Blue Book on Social Organizations: Report on Social Organizations in China (2021))", China Development Brief, November 16, 2021, [http://www.chinadevelopmentbrief.org.cn/customer/details.html?id=25863&type=SYS\\_NEWS](http://www.chinadevelopmentbrief.org.cn/customer/details.html?id=25863&type=SYS_NEWS).

<sup>6</sup> "Next China: When Red Lines Move," *Bloomberg News*, April 16, 2021, <https://www.bloomberg.com/news/newsletters/2021-04-16/china-s-red-lines-on-huarong-alibaba-taiwan-and-more>.

<sup>7</sup> On October 8, 2021, the Ministry of Civil Affairs issued its 14th Five Year Plan for the Development of Social Organizations and mandated social organizations to contribute to strengthening party building for the Communist Party of China (CPC). See: "民政部关于印发《“十四五”社会组织发展规划》的通知 (Notice of the Ministry of Civil Affairs on Printing and Distributing the "14th Five-Year Plan for the Development of Social Organizations")," Ministry of Civil Affairs of the People's Republic of China, October 8, 2021, <http://www.mca.gov.cn/article/xw/tzgg/202110/20211000037062.shtml>.

<sup>8</sup> 中华人民共和国境外非政府组织境内活动管理法 (*Law on Administration of Activities of Overseas Nongovernmental Organizations in Mainland China*) (2017), [http://www.npc.gov.cn/zgrdw/npc/xinwen/2017-11/28/content\\_2032719.htm](http://www.npc.gov.cn/zgrdw/npc/xinwen/2017-11/28/content_2032719.htm).

<sup>9</sup> Ibid. See also: Chunshan Mu, "Foreign Media Face a Trust Crisis in China," *The Diplomat*, July 16, 2021, <https://thediplomat.com/2021/07/foreign-media-face-a-trust-crisis-in-china/>.

<sup>10</sup> *The 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/doc/hk/a406/eng\\_translation\\_\(a406\)\\_en.pdf](https://www.elegislation.gov.hk/doc/hk/a406/eng_translation_(a406)_en.pdf).

<sup>11</sup> Human Rights in China, "Hong Kong Timeline 2019-2021: Anti-Extradition Protests & National Security Law," February 5, 2022, <https://www.hrichina.org/en/hong-kong-timeline-2019-2021-anti-extradition-protests-national-security-law>.

<sup>12</sup> Helen Davidson, "Remarkably effective': Carrie Lam praises Hong Kong national security law," *The Guardian*, November 25, 2020, <https://www.theguardian.com/world/2020/nov/25/remarkably-effective-carrie-lam-praises-hong-kong-national-security-law-in-annual-address>.

<sup>13</sup> "Too Soon to Concede the Future: The Implementation of The National Security Law for Hong Kong--An HRIC White Paper," *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>.

<sup>14</sup> Ibid.

<sup>15</sup> *Crimes Ordinance (Cap. 200)* (1971), [https://www.elegislation.gov.hk/hk/cap200?xpid=ID\\_1438402821382\\_002](https://www.elegislation.gov.hk/hk/cap200?xpid=ID_1438402821382_002).

<sup>16</sup> *Trade Unions Ordinance (Cap. 332)* (1962), [https://www.elegislation.gov.hk/hk/cap332?xpid=ID\\_1438403018316\\_001](https://www.elegislation.gov.hk/hk/cap332?xpid=ID_1438403018316_001).

<sup>17</sup> *Societies Ordinance (Cap. 151)* (1949), <https://www.elegislation.gov.hk/hk/cap151>.

<sup>18</sup> *Crimes Ordinance (Cap. 200)*, op. cit.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> *Trade Unions Ordinance (Cap. 332)*, op. cit.



<sup>22</sup> Jeffie Lam, “Hong Kong’s largest journalist group faces scrutiny from authorities, asked to justify activities amid media crackdown fears,” *South China Morning Post*, January 21, 2022, <https://www.scmp.com/news/hong-kong/politics/article/3164269/hong-kongs-largest-journalist-group-faces-scrutiny>.

<sup>23</sup> *Trade Unions Ordinance (Cap. 332)*, op. cit.

<sup>24</sup> Ibid.

<sup>25</sup> *Societies Ordinance (Cap. 151)*, op. cit.

<sup>26</sup> Ibid. While Article 5A(3) is worded similarly and also provides that a society’s / its branch’s registration may be refused or be “exempted from registration,” Article 5D is more concerned about the cancellation of an existing society’s registration.

<sup>27</sup> Christy Leung, “Exclusive | Hong Kong national security law has driven away foreign agents and troublemakers, dried up overseas funding for anti-government activists, top official says,” *South China Morning Post*, April 15, 2021, <https://www.scmp.com/news/hong-kong/law-and-crime/article/3129573/hong-kong-national-security-law-has-driven-away>.

<sup>28</sup> *The 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/doc/hk/a406/eng\\_translation\\_\(a406\)\\_en.pdf](https://www.elegislation.gov.hk/doc/hk/a406/eng_translation_(a406)_en.pdf).

<sup>29</sup> Ibid.

<sup>30</sup> “[Too Soon to Concede the Future: The Implementation of The National Security Law for Hong Kong--An HRC White Paper](#),” op. cit.

<sup>31</sup> Ibid.

<sup>32</sup> “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/20/27),” May 21, 2012, <https://undocs.org/A/HRC/47/25>. See: paras. 67-68.

<sup>33</sup> “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/23/39),” April 24, 2013, [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.39_EN.pdf). See: para. 9.

<sup>34</sup> “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/23/39),” op. cit. See: paras. 19-20.

<sup>35</sup> *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (1998), <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RightAndResponsibility.aspx>.

<sup>36</sup> *Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* (2011), <https://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersjuly2011.pdf>.

<sup>37</sup> Ibid. See: pages 95-96.

<sup>38</sup> “Communication from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin (OL CHN 3/2022),” <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27082>

<sup>39</sup> *Universal Declaration of Human Rights* (1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>40</sup> *International Covenant on Civil and Political Rights* (1966), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>41</sup> “Communication from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin (OL CHN 3/2022),” op. cit.

<sup>42</sup> Ibid.

<sup>43</sup> “Hong Kong: Arrests under security law are serious concern, UN experts call for review,” United Nations Office of the High Commissioner on Human Rights, October 12, 2021, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27648&LangID=E>.

<sup>44</sup> “Press briefing note on China / Hong Kong SAR,” United Nations Office of the High Commissioner on Human Rights, July 3, 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=E>.

<sup>45</sup> “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/20/27),” op. cit.

<sup>46</sup> “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/23/39),” op. cit. See: para. 20.

<sup>47</sup> *International Covenant on Civil and Political Rights*, op. cit.

- <sup>48</sup> *International Covenant on Civil and Political Rights* (1976), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (A/HRC/23/39),” op. cit. See: paras. 19-20.
- <sup>49</sup> *Societies Ordinance (Cap. 151)*, op. cit.
- <sup>50</sup> Candice Chau, “Organiser of mass Hong Kong demos Civil Human Rights Front disbands citing ‘unprecedented challenges’,” *Hong Kong Free Press*, August 15, 2021, <https://hongkongfp.com/2021/08/15/breaking-organiser-of-mass-hong-kong-demos-civil-human-rights-front-disbands-citing-unprecedented-challenges/>.
- <sup>51</sup> Kerry Brown and Kalley T. H. Wu, *The Trouble with Taiwan: History, the United States and a Rising China* (2021), 111-14.
- <sup>52</sup> Mohan Malik, “Historical Fiction: China’s South China Sea Claims,” *World Affairs*, Vol. 176, No. 1, May/June 2013, *Sage Publications*, [https://www.jstor.org/stable/43554768?refreqid=excelsior%3A9395624d55941a2f3c4e4fe9788c5b39&ab\\_segments=&origin=](https://www.jstor.org/stable/43554768?refreqid=excelsior%3A9395624d55941a2f3c4e4fe9788c5b39&ab_segments=&origin=).
- <sup>53</sup> Yew Lun Tian, “China’s Communist Party hails President Xi as ‘helmsman’,” *Reuters*, November 12, 2021, <https://www.reuters.com/world/china/president-xi-is-helmsman-chinas-rejuvenation-says-party-official-2021-11-12/>.
- <sup>54</sup> Rustem Shir, “China’s Effort to Silence the Sound of Uyghur,” *The Diplomat*, May 16, 2019, <https://thediplomat.com/2019/05/chinas-effort-to-silence-the-sound-of-uyghur/>.
- <sup>55</sup> Kaiser Kuo, “No one has destroyed Chinese culture quite like the Chinese,” *SupChina*, October 28, 2019, <https://supchina.com/2019/10/28/no-one-has-destroyed-chinese-culture-quite-like-the-chinese/>.
- <sup>56</sup> Chris Buckley, “Xi Jinping Thought Explained: A New Ideology for a New Era,” *The New York Times*, February 26, 2018, <https://www.nytimes.com/2018/02/26/world/asia/xi-jinping-thought-explained-a-new-ideology-for-a-new-era.html>.
- <sup>57</sup> “Document 9: A ChinaFile Translation: How Much Is a Hardline Party Directive Shaping China’s Current Political Climate?,” *ChinaFile*, November 8, 2013, <https://www.chinafile.com/document-9-chinafile-translation>.
- <sup>58</sup> Ibid.
- <sup>59</sup> “Individuals Arrested under the Hong Kong National Security Law or by the National Security Department,” *ChinaFile*, January 19, 2022, <https://www.chinafile.com/individuals-arrested-under-hong-kong-national-security-law-or-national-security-department>.
- <sup>60</sup> Chia-nan Lin, “Poll says 72.5% of Taiwanese willing to fight against forced unification by China,” *Taipei Times*, December 30, 2021, <https://www.taipetimes.com/News/front/archives/2021/12/30/2003770419>.
- <sup>61</sup> “Hong Kong Timeline 2019-2021: Anti-Extradition Protests & National Security Law,” op. cit.
- <sup>62</sup> Daniel Mattingly, “The Hong Kong protests have been going on for months. What explains this sustained action?” *The Washington Post*, September 30, 2019, <https://www.washingtonpost.com/politics/2019/09/30/hong-kong-protests-have-been-going-months-what-explains-this-sustained-action/>.
- <sup>63</sup> Sarah Wu, “Hong Kong workers flock to labor unions as new protest tactic,” *Reuters*, January 10, 2020, <https://www.reuters.com/article/us-hongkong-protests-unions-idUSKBN1Z9007>.
- <sup>64</sup> Steven Lee Myers, “In Hong Kong Protests, China Angrily Connects Dots Back to U.S.,” *The New York Times*, September 5, 2019, <https://www.nytimes.com/2019/09/05/world/asia/china-hong-kong-protests.html>.
- <sup>65</sup> Tsung-gan Kong, “CCP crushing Hong Kong civil society,” *Safeguard Defenders*, January 24, 2022, <https://safeguarddefenders.com/en/blog/ccp-crushing-hong-kong-civil-society>.
- <sup>66</sup> Gary Cheung, “National security law: chief executive picking judges to hear cases undermines judiciary, warns former Hong Kong chief justice,” *South China Morning Post*, June 23, 2020, <https://www.scmp.com/news/hong-kong/politics/article/3090156/national-security-law-chief-executive-picking-judges-hear>.
- <sup>67</sup> *The Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China* (1990), [https://www.basiclaw.gov.hk/filemanager/content/en/files/basiclawtext/basiclaw\\_full\\_text.pdf](https://www.basiclaw.gov.hk/filemanager/content/en/files/basiclawtext/basiclaw_full_text.pdf).
- <sup>68</sup> Suzanne Pepper, “The Tong Ying-kit case: First show trial of Hong Kong’s new mainland-style legal regime,” *Hong Kong Free Press*, August 15, 2021, <https://hongkongfp.com/2021/08/15/the-tong-ying-kit-case-first-show-trial-of-hong-kongs-new-mainland-style-legal-regime/>.
- <sup>69</sup> *HKSAR v Lai Chee Ying (黎智英)* [2021] HKCFA 3, [https://legalref.judiciary.hk/lrs/common/ju/ju\\_frame.jsp?DIS=133491](https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=133491).

---

<sup>70</sup> “[Too Soon to Concede the Future: The Implementation of The National Security Law for Hong Kong--An HRIC White Paper](#),” op. cit.

<sup>71</sup> Seven UN experts’ communication to China urging review and reconsideration of National Security Law to comply with international law, September 1, 2020,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25487>; Human Rights in China, “UN Legal Experts Urge China to Review, Reconsider National Security Law to Comply with Its International Obligations,” September 6, 2020, <https://www.hrichina.org/en/press-work/hric-law-bulletin/un-legal-experts-urge-china-review-reconsider-national-security-law>.

<sup>72</sup> Human Rights in China, “FIDH-HRIC Joint Statement on Hong Kong at the UN Human Rights Council 48th Session,” September 15, 2021, <https://www.hrichina.org/en/press-work/joint-statements/fidh-hric-joint-statement-hong-kong-un-human-rights-council-48th-session>.

<sup>73</sup> Human Rights in China, “On the Protection of Lawyers from Undue Interferences Lawyers May Face in the Free and Independent Exercise of the Legal Profession in China and the Hong Kong SAR,” February 10, 2021, <https://www.hrichina.org/en/press-work/hric-un-submission/protection-lawyers-undue-interferences-lawyers-may-face-free-and>.

<sup>74</sup> Rhoda Kwan, “Explainer: Over 50 groups disband – how Hong Kong’s pro-democracy forces crumbled,” *Hong Kong Free Press*, November 28, 2021, <https://hongkongfp.com/2021/11/28/explainer-over-50-groups-gone-in-11-months-how-hong-kongs-pro-democracy-forces-crumbled/>; and “Hong Kong: Closure of prominent rights group signals worrying domino effect,” Amnesty International, August 15, 2021, <https://www.amnesty.org/en/latest/news/2021/08/hong-kong-disbandment-of-teachers-union-signals-spiralling-crackdown/>.

<sup>75</sup> “Hong Kong Timeline 2019-2021: Anti-Extradition Protests & National Security Law,” op. cit.

<sup>76</sup> Pak Yiu, “Exclusive: Two rights groups quit Hong Kong as security law sends shudders through NGOs,” *Reuters*, February 26, 2021, <https://www.reuters.com/article/us-hongkong-security-ngo-exclusive-idUSKBN2AQ16M>.

<sup>77</sup> “Hong Kong: Closure of prominent rights group signals worrying domino effect,” op. cit; Amnesty International, “Amnesty International to close its Hong Kong offices,” October 25, 2021, <https://www.amnesty.org/en/latest/news/2021/10/amnesty-international-to-close-its-hong-kong-offices/>.

<sup>78</sup> Helen Davidson, “Hong Kong police arrest editor-in-chief of Apple Daily newspaper in raids,” *The Guardian*, June 17, 2021, <https://www.theguardian.com/world/2021/jun/17/hong-kong-police-arrest-editor-in-chief-of-apple-daily-newspaper-in-morning-raids>; and Zen Soon, “Apple Daily Editors Arrested Under Hong Kong Security Law,” *The Diplomat*, June 17, 2021, <https://thediplomat.com/2021/06/apple-daily-editors-arrested-under-hong-kong-security-law/>.

<sup>79</sup> Emma Graham-Harrison, “Hong Kong democracy campaigner Jimmy Lai denied bail,” *The Guardian*, December 12, 2020, <https://www.theguardian.com/world/2020/dec/12/hong-kong-democracy-campaigner-jimmy-lai-denied-bail>; Kelly Ho, “Jail terms for Hong Kong democrats over banned 2019 China National Day demo,” *Hong Kong Free Press*, May 28, 2021, <https://hongkongfp.com/2021/05/28/breaking-years-long-jail-terms-for-hong-kong-democrats-over-banned-2019-china-national-day-demo/>; and “Hong Kong tycoon Jimmy Lai sentenced over banned Tiananmen vigil,” *Reuters*, December 13, 2021, <https://www.theguardian.com/world/2021/dec/13/hong-kong-jimmy-lai-and-activists-jailed-up-to-14-months-for-tiananmen-vigil>.

<sup>80</sup> Tom Grundy, “National security law: Hong Kong authorities freeze assets of Apple Daily media tycoon Jimmy Lai,” *Hong Kong Free Press*, May 14, 2021, <https://hongkongfp.com/2021/05/14/national-security-law-hong-kong-authorities-freeze-assets-of-apple-daily-media-tycoon-jimmy-lai/>.

<sup>81</sup> “Apple Daily: Hong Kong pro-democracy paper announces closure,” *BBC News*, June 23, 2021, <https://www.bbc.com/news/world-asia-china-57578926>; Felix Tam, “Jimmy Lai’s Next Digital to Shut Down Amid Chinese Pressure,” *Bloomberg*, June 30, 2021, <https://www.bloomberg.com/news/articles/2021-06-30/jimmy-lai-s-next-digital-to-cease-operations-july-1-memo>.

<sup>82</sup> Candice Chau, “Hong Kong’s largest pro-democracy union coalition to disband, cites threats to safety,” *Hong Kong Free Press*, September 20, 2021, <https://hongkongfp.com/2021/09/20/hong-kongs-largest-pro-democracy-union-coalition-to-disband-cites-threats-to-safety/>; Rhoda Kwan, “Hong Kong Security Bureau warns disbanded groups will remain criminally liable, after pro-democracy union coalition folds,” *Hong Kong Free Press*, October 4, 2021, <https://hongkongfp.com/2021/10/04/hong-kong-security-bureau-warns-disbanded-groups-will-remain-criminally-liable-after-pro-democracy-union-coalition-folds/>.

<sup>83</sup> Kelly Ho, “Hong Kong Tiananmen vigil organiser acted as agent for foreigners, national security police claim,” *Hong Kong Free Press*, August 26, 2021, <https://hongkongfp.com/2021/08/26/hong-kong-tiananmen-vigil-organiser-acted-as-agent-for-foreigners-national-security-police-claim/>.

<sup>84</sup> “Hong Kong Police’s National Security Department arrested and charged six men and one woman,” *The Government of the Hong Kong Special Administrative Region Press Releases*, September 9, 2021, <https://www.info.gov.hk/gia/general/202109/09/P2021090900919.htm>.

<sup>85</sup> “Hong Kong Tiananmen vigil group disbands amid crackdown on dissent,” *Agence France-Presse*, September 26, 2021, <https://www.theguardian.com/world/2021/sep/26/hong-kong-tiananmen-vigil-group-disbands-amid-crackdown-on-dissent>; Cannix Yau and Jasmine Siu, “National security police freeze all assets of Hong Kong group behind annual Tiananmen vigil,” *South China Morning Post*, September 29, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3150594/national-security-police-freeze-all-assets-hong-kong-group>.

<sup>86</sup> *The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (2020), op. cit. See Article 38: “[t]his Law shall apply to offences under this Law committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region.”

<sup>87</sup> “Too Soon to Concede the Future: The Implementation of The National Security Law for Hong Kong--An HRIC White Paper,” op. cit.

<sup>88</sup> *Crimes Ordinance (Cap. 200)*, op. cit.

<sup>89</sup> Selina Cheng, “Security law: Stand News opinion articles axed, directors resign amid reported threats to Hong Kong digital outlets,” *Hong Kong Free Press*, June 28, 2021, <https://hongkongfp.com/2021/06/28/security-law-stand-news-opinion-articles-axed-directors-resign-amid-reported-threats-to-hong-kong-digital-outlets/>.

<sup>90</sup> “Over 200 Hong Kong national security police raid Stand News newsroom, 6 arrested inc. acting editor,” *Hong Kong Free Press*, December 29, 2021, <https://hongkongfp.com/2021/12/29/breaking-hong-kong-national-security-police-arrest-stand-news-senior-staff-as-200-officers-raid-newsroom/>; “Stand News closes, content deleted following arrests and police raid; Chief Sec. slams ‘evil elements’,” *Hong Kong Free Press*, December 29, 2021, <https://hongkongfp.com/2021/12/29/breaking-stand-news-closes-website-inaccessible-following-arrests-and-police-raid-chief-sec-slams-evil-elements/>.

<sup>91</sup> “網媒《白夜》告別《立場》案後累計七家停運 (After the “White Night” Farewell of Online Media, Seven Other Media Outlets Have Ceased Operations), *inmediahk.net*, January 8, 2022, <https://www.inmediahk.net/node/%E5%AA%92%E9%AB%94/%E7%B6%B2%E5%AA%92%E3%80%8A%E7%99%BD%E5%A4%9C%E3%80%8B%E5%91%8A%E5%88%A5-%E3%80%8A%E7%AB%8B%E5%A0%B4%E3%80%8B%E6%A1%88%E5%BE%8C%E7%B4%AF%E8%A8%88%E4%B8%83%E5%AE%B6%E5%81%9C%E9%81%8B>.

<sup>92</sup> Helen Davidson, “Hong Kong democracy and media freedom has ‘entered endgame’,” *The Guardian*, February 10, 2022, <https://www.theguardian.com/world/2022/feb/10/hong-kong-democracy-and-media-freedom-has-entered-endgame>.

<sup>93</sup> *Trade Unions Ordinance (Cap. 332)*, op. cit.

<sup>94</sup> Candice Chau, “Hong Kong Hospital Authority union denies gov’t allegation it broke law,” *Hong Kong Free Press*, September 17, 2021, <https://hongkongfp.com/2021/09/17/hong-kong-hospital-authority-union-denies-govt-allegation-it-broke-law/>; “Hong Kong’s largest journalist group faces scrutiny from authorities, asked to justify activities amid media crackdown fears,” op. cit.; Peter Lee, “Hong Kong authorities grill union which held street stalls on Covid-19 and national security law,” *Hong Kong Free Press*, January 11, 2022, <https://hongkongfp.com/2022/01/11/hong-kong-authorities-grill-union-which-held-street-stalls-on-covid-19-and-national-security-law/>; and “Govt to revoke registration of speech therapists’ union,” *The Standard*, August 20, 2021, <https://www.thestandard.com.hk/breaking-news/section/4/179110/Govt-to-revoke-registration-of-speech-therapists'-union>.

<sup>95</sup> *Societies Ordinance (Cap. 151)*, op. cit.

<sup>96</sup> Chris Lau, “Hong Kong protests: Civil Human Rights Front refuses to cooperate with police investigation into its activities,” *South China Morning Post*, May 4, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3132242/hong-kong-protests-civil-human-rights-front-refuses>.

<sup>97</sup> Jeffie Lam, “Hong Kong protests: as Civil Human Rights Front folds, police and Beijing warn legal troubles far from over,” *South China Morning Post*, August 15, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3145093/hong-kong-protests-civil-human-rights-front-confirms-it>; and “Organiser of mass Hong Kong demos Civil Human Rights Front disbands citing ‘unprecedented challenges’,” op. cit.

<sup>98</sup> Rhoda Kwan, “Hong Kong’s gov’t cuts ties with largest teachers’ union hours after Chinese state media attacks,” *Hong Kong Free Press*, August 2, 2021, <https://hongkongfp.com/2021/08/02/hong-kongs-govt-cuts-ties-with-largest-teachers-union-hours-after-chinese-state-media-attacks/>; and “Hong Kong teachers’ union to disband due to ‘drastic’ political situation,” August 10, 2021, <https://www.reuters.com/world/asia-pacific/hong-kong-teachers-union-disband-due-drastic-political-situation-2021-08-10/>.

<sup>99</sup> Kathleen Magramo, “Fifth Hong Kong university student union facing uncertain future, as school says it will no longer collect membership fees,” *South China Morning Post*, July 15, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3141198/fifth-hong-kong-university-begins-distance-itself-its>; and “浸大新學年不代收會費 學生會：或減人手或停運合作社 (HKBU will not collect membership fees in the new academic year. Student Union: Reduce manpower or stop operating cooperatives),” *Radio Television Hong Kong News*, July 26, 2021, <https://news.rthk.hk/rthk/ch/component/k2/1602654-20210726.htm>.

<sup>100</sup> Candice Chau, “Education University of Hong Kong latest to cut ties with its student union, says ‘overhaul’ necessary,” *Hong Kong Free Press*, January 20, 2022, <https://hongkongfp.com/2022/01/20/education-university-of-hong-kong-latest-to-cut-ties-with-its-student-union-says-overhaul-necessary/>.

<sup>101</sup> Rhoda Kwan, “‘Profound regret’: Chinese University of Hong Kong’s student union dissolves after 50 years amid pressure,” *Hong Kong Free Press*, October 7, 2021, <https://hongkongfp.com/2021/10/07/profound-regret-chinese-university-of-hong-kongs-student-union-dissolves-after-50-years-amid-pressure/>.

<sup>102</sup> “Hong Kong Hospital Authority union denies gov’t allegation it broke law,” op. cit.; “Hong Kong’s largest journalist group faces scrutiny from authorities, asked to justify activities amid media crackdown fears,” op. cit.; “Hong Kong authorities grill union which held street stalls on Covid-19 and national security law,” op. cit.; and “Govt to revoke registration of speech therapists’ union,” op. cit.

<sup>103</sup> Progressive Lawyers Group, “HK20: Why Hong Kong’s July 1 democracy march isn’t ‘just another protest,’” *Hong Kong Free Press*, June 27, 2017, <https://hongkongfp.com/2017/06/27/hk20-hong-kongs-july-1-democracy-march-isnt-just-another-protest/>; and Lok-kei Sum, “Explainer | Hong Kong’s annual Tiananmen vigil, banned for the first time in 30 years: what you need to know about June 4 event in the city,” *South China Morning Post*, June 4, 2020, <https://www.scmp.com/news/hong-kong/politics/article/3087431/banned-first-time-30-years-heres-what-you-need-know-about>.

<sup>104</sup> 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?auth=login-google>; and Kelly Ho, “Hong Kong police ban annual July 1 democracy demo again citing Covid-19,” *Hong Kong Free Press*, June 28, 2021, <https://hongkongfp.com/2021/06/28/hong-kong-police-ban-annual-july-1-democracy-demo-citing-covid-19/>.

<sup>105</sup> Chris Lau and Lilian Cheng, “Arrests and Covid-19 restrictions leave Hong Kong’s opposition parties in cash crunch,” *South China Morning Post*, April 6, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3128517/political-crackdown-and-pandemic-leave-hong-kongs>; “Explainer | Hong Kong’s annual Tiananmen vigil, banned for the first time in 30 years: what you need to know about June 4 event in the city,” op. cit.

<sup>106</sup> “Organiser of mass Hong Kong demos Civil Human Rights Front disbands citing ‘unprecedented challenges’,” op. cit.; and “Hong Kong Tiananmen vigil group disbands amid crackdown on dissent,” op. cit.

<sup>107</sup> 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/>.

<sup>108</sup> “The Hong Kong police, citing the pandemic, block Tiananmen anniversary events,” op. cit.

<sup>109</sup> Helen Davidson, “‘No light at the end’: How Hong Kong’s Covid response went so wrong,” *The Guardian*, February 18, 2022, <https://www.theguardian.com/world/2022/feb/18/no-light-at-the-end-how-hong-kongs-covid-response-went-so-wrong>.

<sup>110</sup> Jeffie Lam, “Hong Kong Covid-19 birthday party scandal: ‘invisible guests’ and unanswered questions take the cake in unfolding health scare,” *South China Morning Post*, January 10, 2022, <https://www.scmp.com/news/hong-kong/health-environment/article/3162864/hong-kong-covid-19-birthday-party-scandal>

<sup>111</sup> Kang-chung Ng and Natalie Wong, “National security law: Hong Kong’s biggest opposition trade union votes by overwhelming majority to disband,” *South China Morning Post*, October 3, 2021,

---

<https://www.scmp.com/news/hong-kong/politics/article/3151047/national-security-law-hong-kongs-biggest-opposition-trade>.

<sup>112</sup> Ho-him Chan, “Members of Hong Kong’s biggest teachers’ union vote to disband after 47-year run,” *South China Morning Post*, September 11, 2021, <https://www.scmp.com/news/hong-kong/politics/article/3148410/members-hong-kongs-biggest-teachers-union-vote-disband>.

<sup>113</sup> Ann Goggins Gregory and Don Howard, “The Nonprofit Starvation Cycle,” *Stanford Social Innovation Review*, Fall 2009, [https://ssir.org/articles/entry/the\\_nonprofit\\_starvation\\_cycle](https://ssir.org/articles/entry/the_nonprofit_starvation_cycle).

<sup>114</sup> 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.

<sup>115</sup> Anna Koob and Sarah Tansey, “Mapping trends to understand shifts in human rights funding,” *Open Global Rights*, February 13, 2018, <https://www.openglobalrights.org/mapping-trends-to-understand-shifts-in-human-rights-funding/>.

<sup>116</sup> Wilson Wong and Alfred M. Wu, “State or Civil Society – What Matters in Fighting COVID-19? A Comparative Analysis of Hong Kong and Singapore,” *Journal of Comparative Policy Analysis: Research and Practice*, December 6, 2021, <https://www.tandfonline.com/doi/full/10.1080/13876988.2021.1978819>.

<sup>117</sup> Ibid.

<sup>118</sup> “‘No light at the end’: How Hong Kong’s Covid response went so wrong,” op. cit.