



**HONG KONG (CHINA):**  
**CIVIL SOCIETY SUBMISSION**  
**TO THE UNITED NATIONS**  
**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN**

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

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## **I. Introduction: Hong Kong (China) Ninth Periodic Review in Context**

1. Human Rights in China (HRIC) makes this submission to the Committee on the Elimination of Discrimination Against Women (CEDAW or “the Committee”) in advance of the Committee’s Ninth Periodic Review of the government of Hong Kong, China (HKG).<sup>1</sup> HRIC’s submission specifically focuses on online gender-based violence (OGBV) against women in Hong Kong, which has become increasingly salient and prevalent as technology permeates everyday life in the form of social media, online forums, and communication software. The advent of OGBV hinders women’s political participation.
2. We highlight examples of online gender-based violence committed against individuals or groups of women in Hong Kong, such as protestors, and journalists, as well as human rights defenders. In exercising their rights to freedom of peaceful assembly and freedom of expression, these groups of women have been targeted and subject to various forms of online gender-based violence, yet receive little or no redress or support, as there is currently no legislation or policy that explicitly addresses online gender-based violence.
3. The targeting of women online raises questions under several of the Committee’s LOI’s, namely 8 and 12. Moreover, the HKG’s failure to address the harassment and threats that women face online contravenes the State Party’s obligations under the Convention. The Convention clearly articulates the necessity of ensuring that women are enabled to fully participate in political life on the same terms as men in Articles 1, 3 and 7. The examples we highlight in our submission underline the ways in which the HKG is violating these treaty obligations through its inaction on OGBV.

## **II. Online Gender-based Violence Against Women in Hong Kong (LOI Item 8, Arts. 1, 3 and 7)**

1. Issue 8 in the LOI singles out gender-based violence against women. We seek to provide information on a particular type of gender-based violence, which we believe the Committee should pay due attention to, that of online gender-based violence (OGBV).
2. Online gender-based violence (OGBV) is also known as technology-facilitated gender-based violence. OGBV is any form of violence enabled by or perpetrated by using technology or a digital interface, specifically the internet or smart devices.<sup>2</sup> In particular, women and girls experience online violence in a highly gendered way, where perpetrators aim to assert power and control, threaten, shame, and silence them through using various forms of online violence.<sup>3</sup> Violence against women, whether offline or online, is a symptom of unequal power relations and a mechanism to control women. OGBV, like any form of violence against women, negatively impacts victims’ mental health. Yet, OGBV is additionally pervasive in that it is often difficult or impossible for victims to avoid the online dimension of life in the modern age,<sup>4</sup> thereby making OGBV even more challenging to address than other forms of violence against women.
3. As aptly described by the former High Commissioner for Human Rights: “[o]nline campaigns against women human rights defenders and organisations aim to damage their credibility as advocates, to diminish or obliterate the power of their voices, and to restrict the already limited public space in which women’s activists can mobilise and make a difference. . . . These forms of intimidation and violence may also cripple the work of women’s networks, which often use online platforms as their key form of communication and mobilization.”<sup>5</sup> (Emphasis added.)

4. In Hong Kong, the *Basic Law* and *Hong Kong Bill of Rights Ordinance* (HKBORO) (Cap.383) protect the fundamental rights of HKSAR residents, including the right to equality and non-discrimination. Legislation aimed at eliminating discrimination against women on grounds including of sex, marital status, pregnancy, disability, family status, and race include: the *Sex Discrimination Ordinance* (Cap. 480) (SDO), *Family Status Discrimination Ordinance* (Cap. 527) (FSDO), *Disability Discrimination Ordinance* (Cap. 487) (DDO), and *Race Discrimination Ordinance* (Cap. 602) (RDO). However, there is no legislation or policy in Hong Kong that addresses the online dimension of gender-based violence or even has a definition of OGBV. This is problematic as victims of OGBV have no means of redress or support. Additionally, this may also indicate a wider lack of awareness as to OGBV being a form of gender-based violence, and must be addressed by the Hong Kong government in response to the LOIs, to ensure that it is adhering to its treaty obligations under Articles 1, 3 and 7 of the Convention.

### III. OGBV in Hong Kong

#### OGBV against Women Protestors & Journalists: Lack of Redress (LOI 12, Arts. 1, 3 and 7)

5. LOI 12 requests information from the HKG “on the measures taken to protect women and girls from violence and harassment when participating in peaceful demonstrations, particularly during the protests in 2019.” In Hong Kong, an unprecedented number of women participated in the 2019 Anti-Extradition Law Amendment Bill (Anti-ELAB) movement protests,<sup>6</sup> which empowered a new generation of women activists.<sup>7</sup> At the same time, their activism also exposed them to various forms of gender-specific attack campaigns online such as disinformation, gendered attacks, and doxing via doctored photos.
6. During the protests, women were subjected to verbal abuse targeting their physical appearances, rape threats, and doctored photos, many by suspected pro-establishment trolls:<sup>8</sup> “They are not attacking my views or anything, they just attack me because I am female,” said M.L., a 17-year-old student who discovered a doctored online viral picture of her standing next to a banner that reads “I am not wearing any underwear,” but which originally stated “I am a secondary school student.”<sup>9</sup> Another tactic pro-Beijing or Beijing-backed media and trolls employed to demean female protesters was to claim they were “angels,” meaning they provided voluntary sexual services to male protesters.<sup>10</sup> Pro-government supporters spread rumours and joked that women only went to the frontlines because they hoped to hook up with or “offer their services” to male protesters.<sup>11</sup>
7. In a similar vein, female journalists covering the 2019 protests consistently faced gender-based harassment or sexism.<sup>12</sup> A freelance female journalist A.I. recounted in an interview with the now-defunct Stand News, that her name and photo had been circulated widely online by pro-establishment groups after she read a statement and pointed a flashlight at an official during a daily police press conference to express outrage at the treatment of journalists. The ensuing doxxing by pro-Beijing groups called her a “prostitute.”<sup>13</sup>
8. The lack of legislation or policy in Hong Kong that addresses the online dimension of gender-based violence means victims of OGBV have no means of redress or support via official platforms. In 2021, Hong Kong Women's Coalition on Equal Opportunities, Zonta Club of Kowloon, Department of Sociology and Social Policy of Lingnan University (the initiating organizations) launched a study on women's experiences of violence last year, with a quantitative and qualitative study conducted by Professor Annie Chan. The project collected the experiences of 1,044 women who had experienced sexual and intimate partner violence, and analyzed their reactions, feelings and impact of that

violence.<sup>14</sup> More than 70% of respondents did not know how to respond (75%), and although more than 60% had sought help, the majority would only seek help from family and friends, and 40% did not seek help from anyone.<sup>15</sup>

9. The absence of accountability for OGBV contravenes Articles 1, 3 and 7 of CEDAW, in that it evidences a failure to guarantee women journalists and protesters the free “exercise and enjoyment of human rights and fundamental freedoms (Art. 3),” and inhibits their ability to “participate in non-governmental organizations and associations concerned with the public and political life of the country (Art. 7).”

#### OGBV & Women Human Rights Defenders (HRDs): Shrinking Civic Space (LOI 12, Arts. 1, 3 and 7)

10. Of particular note is how women human rights defenders (HRDs) like lawyers, democracy activists and legislators have been targeted online and subject to OGBV for expressing their views or opinions. The imposition and implementation of the sweeping *Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law or NSL)*<sup>16</sup> continues to worsen Hong Kong’s domestic rights environment. Statements issued by the UN High Commissioner for Human Rights<sup>17</sup> and UN special procedures<sup>18</sup> have noted how the NSL has impacted Hong Kong’s autonomy, rule of law, and the protection of fundamental rights and freedoms.<sup>19</sup> This exacerbates the online environment for women in general, and especially women HRDs, who are exceptionally vulnerable to OGBV attacks online in an already shrinking civic space.
11. Outspoken female pro-democracy figures are often targets of sexual harassment and cyber bullying. E.W., a prominent pro-democracy feminist, was subjected to regular harassment and abuse online by pro-establishment supporters and the 50-Cent Party, which is backed by the CPC.<sup>20</sup> The independent online news outlet Hong Kong Free Press interviewed five female pro-democracy politicians who all lamented that “they have been sexually harassed on a daily to weekly basis—online and offline—and that sexism and misogyny permeated almost every nook and corner of politics.” One of them, H.K., a former member of the Standing Committee of the pro-democracy party Demosisto, had her contact information leaked on a pro-government website for doxxing pro-democracy protesters, wherein she received hundreds of messages of sexual requests and threats from strangers.<sup>21</sup>
12. Women HRDs continue to exercise their freedom of expression, although some have resorted to self-censorship. Some who were active on social media, including activists G.H.K. and T.Y.K., stopped updating and disseminating information on their social media since their national security arrests or trial began, not to mention the fact that they have difficulties communicating with the outside world.<sup>22</sup> These prominent female figures are deprived of their right to freedom of expression, as well as political and public participation. This is a vicious cycle that will only continue to shrink the existing civic space if women cannot feel comfortable even online to express themselves, with many resorting to self-censorship.
13. The difficulties that women human rights defenders and pro-democracy figures face online in their work is in contravention of Articles 1, 3 and 7 of CEDAW, as women’s ability to participate in the political life of the country is significantly hindered as a result of the harassment they face. The HKG must take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human

rights and fundamental freedoms on a basis of equality with me,” in accordance with Article 3 of the Convention.

#### IV. Recommendations

14. The upcoming review is an important opportunity to highlight once again that formal protections in law are not sufficient to comply with the State Party’s implementation obligations. The HKG should review and update existing legislation to ensure that the definition of gender-based violence include OGBV, as well as mixed forms of gender-based violence (both online and offline). Therefore, the perpetrators of OGBV must also be held accountable in the criminal justice system and be subject to the same criminal sanctions and penalties, as for crimes committed offline. This is essential to ensuring that the HKG complies with its obligations under the Convention, namely Articles 1, 3 and 7, which implicate women’s political participation. Without these protections, women are unable to fully participate in political life and face struggles that their male counterparts do not.
15. With regard to policy, the related Women's Commission, government departments, advisory committees, and quasi government departments, must also work together to address the rising issue of OGBV in their social policy planning.<sup>23</sup> Law enforcement officers, legal professionals, and social service workers must go through training on properly assisting women who are victims of OGBV, so that women can receive appropriate support quickly in the process of seeking help,<sup>24</sup> whether that be in person or over the telephone or even virtually.
16. Public education should be strengthened to highlight OGBV as a form of violence against women, in addition to education on gender-based violence in general. Victim support must be at the forefront of all gender-based violence redress and support. Therefore, the HKG should also consider increasing resources available to dedicated NGOs such as the Hong Kong Federation of Women’s Centres and the Association Concerning Sexual Violence against Women,<sup>25</sup> so that they can in turn channel sufficient resources to help women who have experienced OGBV.

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<sup>1</sup> “Ninth periodic report submitted by Hong Kong, China under article 18 of the Convention, due in 2018,” December 16, 2020 [Date received: March 26, 2020], <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsoVqDbaslinb8oXgzpEhivg8z7Ph88PEADQ9acXuXWGUfdK7V8rAyo%2FNmyap5fhM7VyVit29%2FHAWW9O9LMG9MQPuGvERXGYau%2BpDrhj9mU>.

<sup>2</sup> According to the UN Youth Guide to End Online Gender-Based Violence, online gender-based violence also referred to as technology-facilitated gender-based violence (TFGBV), is any form of violence that is enabled by or perpetrated by using technology or a digital interface - specifically the internet or smart devices. See “”Toolkit: Youth Guide to End Online Gender-Based Violence,” *UN Women*, December, 2022, [https://asiapacific.unwomen.org/sites/default/files/2022-12/Youth-Toolkit\\_14-Dec\\_compressed-final.pdf](https://asiapacific.unwomen.org/sites/default/files/2022-12/Youth-Toolkit_14-Dec_compressed-final.pdf).

<sup>3</sup> “Take five: Why we should take online violence against women and girls seriously during and beyond COVID-19,” *UN Women*, July 21, 2020, <https://www.unwomen.org/en/news/stories/2020/7/take-five-cecilia-mwende-maundu-online-violence>.

<sup>4</sup> Dristy Moktan, “How online violence is shaping our lives,” *Asia News Network*, <https://asianews.network/how-online-violence-is-shaping-our-lives/>.

<sup>5</sup> Statement by UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein for the 38th session of the Human Rights Council, “The impact of online violence on women human rights defenders and women’s organisations,” *United Nations*

*Human Rights Office of the High Commissioner*, June 21, 2018,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23238&LangID=E>.

<sup>6</sup> The Anti-ELAB movement refers to the months of protests in Hong Kong in response to a highly controversial proposed law amendment that would allow extraditions to the mainland, which may potentially expose Hong Kong to the Mainland's markedly different justice system and lead to erosion of judicial independence. "Hong Kong-China extradition plans explained," *BBC News*, December 13, 2019, <https://www.bbc.com/news/world-asia-china-47810723>.

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

<sup>8</sup> "Hong Kong women claim online abuse over protests," *Agence France-Presse*, September 3, 2019, <https://www.taipeitimes.com/News/world/archives/2019/09/03/2003721630>.

<sup>9</sup> "Pro-democracy Hong Kong women protesters face online harassment by suspected pro-Beijing trolls; receive rape threats, doctored photos," *Agence France-Presse*, September 2, 2019, <https://www.firstpost.com/world/pro-democracy-hong-kong-women-protesters-face-online-harassment-by-suspected-pro-beijing-trolls-receive-rape-threats-doctored-photos-7267881.html>.

<sup>10</sup> Gary Cheung, "Senior adviser to Hong Kong leader Fanny Law stands by her claims 14-year-old schoolgirl offered free sex to frontline protesters," *South China Morning Post*, September 9, 2019, <https://www.scmp.com/news/hong-kong/politics/article/3026426/senior-adviser-hong-kong-leader-fanny-law-stands-her-claims>.

<sup>11</sup> "'How much for an hour?': Hong Kong female politicians speak out against sexual harassment culture," *Hong Kong Free Press*, July 5, 2020, <https://hongkongfp.com/2020/07/05/how-much-for-an-hour-hong-kong-female-politicians-speak-out-against-sexual-harassment-culture/>.

<sup>12</sup> Luwei Rose Luqiu, "Female journalists covering the Hong Kong protests confront ambivalent sexism on the street and in the newsroom," *Feminist Media Studies (Volume 22, 2022 - Issue 3)*, November 4, 2020; Kwok Hiu Ching, Lin Zhihuai and Wong Ting Yan, "Gender-based violence against journalists in Hong Kong," Hong Kong Baptist University, 2020, <https://datastory.hkbu.edu.hk/hkbudmc/>.

<sup>13</sup> Kwok Hiu Ching, Lin Zhihuai and Wong Ting Yan, "Gender-based violence against journalists in Hong Kong," op. cit.

<sup>14</sup> "Survey on Women's Experiences of Violence in Hong Kong 2021," Hong Kong Women's Coalition on Equal Opportunities, Zonta Club of Kowloon, Department of Sociology and Social Policy of Lingnan University, March 7, 2022, [https://womencentre.org.hk/En/Newsroom/Pressrelease/svdv\\_2022/](https://womencentre.org.hk/En/Newsroom/Pressrelease/svdv_2022/).

<sup>15</sup> Ibid.

<sup>16</sup> *Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region* (2020), <https://www.elegislation.gov.hk/hk/A406>.

<sup>17</sup> On July 3, 2020, the spokesperson for the High Commissioner for Human Rights stated: "[w]e are alarmed that arrests are already made under the [NSL] . . . when there is not full information and understanding of the scope of the offences." Among the concerns expressed are the vague and overly broad definition of the offenses which "may lead to discriminatory or arbitrary interpretation and enforcement"; and the "collusion" offense which "may lead to a restriction of civic space and of the possibility for civil society actors to exercise their right to participate in public affairs." See "Press briefing note on China / Hong Kong SAR by Spokesperson for the UN High Commissioner for Human Rights on the National Security Law, Rupert Colville," *United Nations Human Rights Office of the High Commissioner*, July 3, 2020, EN: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=E>, CH: <https://www.ohchr.org/CH/NewsEvents/Pages/DisplayNews.aspx?NewsID=26033&LangID=C>.

<sup>18</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>.

<sup>19</sup> The 1984 *Joint Sino-British Declaration* guaranteed Hong Kong's autonomy and way of life for 50 years, post the return of sovereignty of Hong Kong to the PRC in 1997. See *Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong*, last revised July 1, 2007, <https://www.cmab.gov.hk/en/issues/jd2.htm>.

<sup>20</sup> Emilia Wong's Facebook Post, April 4, 2021, <https://www.facebook.com/wykemilia/posts/1505220356301148>.

<sup>21</sup> "'How much for an hour?': Hong Kong female politicians speak out against sexual harassment culture," op. cit.

<sup>22</sup> Gwyneth Ho Kwai-lam, social media accounts: <https://www.facebook.com/gwynethhokl/>, <https://www.instagram.com/gwyneth.kl.ho/>, <https://twitter.com/KwaiLamHo>, accessed April 4, 2023; Tiffany Yuen Ka-wai, social media accounts: <https://www.facebook.com/tiffanykawai/>, [www.instagram.com/kawaitiffany](https://www.instagram.com/kawaitiffany), <https://twitter.com/tiffanykw?lang=en>, accessed April 4, 2023.

<sup>23</sup> "Survey on Women's Experiences of Violence in Hong Kong 2021," op. cit.

<sup>24</sup> Ibid.



<sup>25</sup> Hong Kong Federation of Women's Centres, <https://womencentre.org.hk>, accessed April 4, 2023; Association Concerning Sexual Violence against Women <https://rainlily.org.hk/eng/home>, accessed April 4, 2023.