



Gender Justice and Freedom of Opinion and Expression under Rights-Restrictive Regimes: China (Mainland & Hong Kong)

Civil Society submission to Ms. Irene Khan
UN Special Rapporteur on the promotion and protection of freedom of
opinion and expression

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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

1. Human Rights in China (**HRIC**) welcomes the opportunity to provide input into the next thematic report by the Special Rapporteur on the promotion and protection of freedom of opinion and expression. We especially welcome the Special Rapporteur's adoption of a feminist framework and intersectional lens to identify and assess impediments and opportunities of women in the public sphere to advance the full enjoyment of freedom of opinion and expression, and other fundamental rights it enables. To contribute to the Special Rapporteur's analytical approach and development of a mandate focus on empowerment of women, HRIC's submission highlights the specific barriers and threats to the effective exercise of the right to freedom of expression and other fundamental rights presented by a rights-restrictive authoritarian regime, the government of the People's Republic of China (**China**).
2. At the outset, a fundamental obstacle to understanding the intersectional barriers to promoting more meaningful rights progress for women in China is information control and inadequate disclosure of disaggregated data by the Chinese government. Numerous UN treaty bodies¹ have repeatedly requested the Chinese government to report on its progress with updated statistics disaggregated by factors such as gender, ethnicity, and urban/central location. In particular, the Committee on Elimination of Discrimination Against Women's (**CEDAW**) has expressed concerns regarding the classification of critical information required to assess the status of women as a state secret. It recommended that China "study the obstacles, including the impediments presented by the State party's State secret law, to the collection, sharing and dissemination of sex-disaggregated data so that the impact and effectiveness of policies and programmes aimed at mainstreaming gender equality and advancing women's human rights can be accessed by all stakeholders."² However, China's latest ninth periodic report to CEDAW of December 16, 2020 does not address this recommendation.³
3. In addition to social and economic inequalities related to gender, ethnicity, and urban/rural location, women defenders in China face a challenging environment shaped through national security laws, new technologies such as artificial intelligence to implement censorship and surveillance,⁴ cultural norms, as well as community monitoring. Under the Chinese government's comprehensive securitized approach to the online and offline space, any expression viewed to be challenging official narratives, critical of the Communist Party of China (**CPC**), or aimed at mobilization of citizen actions, will be censored and targeted by the authorities, Internet intermediaries, and other netizens.
4. The shared experiences of women defenders in China is especially significant in light of the alarming trend of the acceleration of "autocratization" and the decline of democratic traits. For the first time since 2001, autocracies are in the majority globally: in 92 countries consisting of 54% of the global population; and almost 35% of the world's population now live in "autocratizing" nations—2.6 billion people.⁵ Within a one-party state, women's political representation in China is extremely low—only one woman sits in the top echelons of CPC leadership; women make up only 4.9% of the Central Committee of the CPC, and just 27.9% of the 90-odd million CPC members are women.⁶
5. The rights impacts of China's digital authoritarianism are also extending beyond its borders. The CPC is pursuing a comprehensive digital strategy to achieve global leadership in 5G, AI, quantum, computing, and in other digital and disruptive technologies in search for new economic growth drivers, cyber governance, and global power projection.⁷ The authoritarian regime in China is not only weaponizing these new technologies and digital tools to target civil society and human rights

defenders and to carry out targeted and massive surveillance and censorship—it is exporting its digital authoritarianism model, including through major infrastructure projects such as the Belt and Road Initiative and along the Digital Silk Road. While the breadth, scale, detail, and pervasiveness of China’s Internet governance model remain unique, China also extends its influence to other countries in the region and aggressively advances its vision of cyberspace through its advocacy of state-centric concepts like “cyber sovereignty” globally.⁸

6. Rights-restricting governments, like China, have also leveraged the COVID-19 pandemic crisis to introduce or intensify restrictions on the exercise of rights, in particular, on freedom of expression, access to information, and peaceful assembly. Since 2019, major domestic developments have also had a significant impact on freedom of expression and other rights on the mainland and in Hong Kong, including the promulgation of the *National Security Law* for Hong Kong in June 2020 and a series of draconian policies since aimed at preventing another mass mobilization of the Hong Kong people like the unprecedented social protest movement that erupted in 2019 there.⁹
7. Within this context, we describe examples of women rights defenders and activists exercising their freedom of expression in the public sphere, and the risks and barriers they face both online and offline. We also share some recommendations to contribute to the Special Rapporteur’s priority for empowering women as part of her mandate focus, including: addressing the particular barriers to effective exercise of freedom of expression and opinion posed by rights restrictive regimes and including expanding multi-stakeholder consultations and exchanges.

II. Mainland and Hong Kong Women defenders in the public sphere

Rights restrictions, abuses, and violations during COVID-19

8. While COVID-19 has fuelled a major digital transformation expanding the connectivity and information flow for many societies, response measures to the pandemic have also provided dramatic evidence of the threats posed by the ungoverned use of digital technology, and underscored the importance of upholding human rights in digital contexts¹⁰ and ensuring transparency and access to information. Despite China’s aggressive promotion of its success in containing COVID-19, there are now growing calls for an independent study of the origins of COVID-19.¹¹ Throughout the course of the pandemic, the Chinese authorities aggressively deployed state media and social media to restrict online information dissemination such as banning of platforms, and to control the narrative, rewrite history, and deflect blame, through various means including the promotion of conspiracy theories regarding the pandemic.¹²
9. Counter narratives, censorship, and self-censorship. During the 77 days of the lockdown in Wuhan, from January 23 to April 8, 2020, **Guo Jing**, a 29-year-old social worker and feminist activist, kept a diary which she shared online and through social media with her friends and followers. In early April 2020, Guo’s diary, titled *Wuhan Lockdown Diary*, was published by Taipei-based Linking Publishing.¹³ As Guo acknowledged in an online talk, she encountered difficulties during the process, including in uploading her writing, and had to exercise self-censorship for fear of retaliation or escalation of the online abuse and targeting of her friends and family. Guo’s experience reflects the barriers to expression that is counter to or not aligned fully with an official narrative. The extended impact on friends, family, and activist networks highlights the ripple effects of online censorship.
10. Increase in gender-based violence during COVID-19. As extensively documented, domestic violence around the world has increased during the COVID-19 pandemic.¹⁴ In China, traditional Confucian principles of family harmony and social stability as well as patriarchal values of female

obedience have historically contributed to the mistreatment of female family members. In the absence of adequate social support and shelters, it is difficult for women to stand up against their partners even in the face of extreme abuse. Violence against a woman by her husband is also concealed within the sphere of private family life and, as such, may be underreported and less visible. Any violence a man committed against his wife is often treated by police and the authorities as his family's private matter instead of a larger social problem.¹⁵

11. Online activism to fight domestic violence. During the COVID-19 pandemic, there was an unprecedented increase of divorce applications in China. In 2020 alone, there were 8.6 million divorces, which far outstripped the number of marriage registrations.¹⁶ While the Chinese public terms this phenomenon as post-pandemic “divorce with a vengeance,”¹⁷ many of such divorces are a result of domestic violence that intensified during COVID-19 lockdowns, as the extended periods of time at home under lockdown increased the chances of domestic violence in families where abuses already exist.¹⁸ While such a phenomenon is not unique to China, the statistics documenting domestic violence in China are concerning: in Hubei province, the heart of the initial outbreak, reported cases of domestic violence increased threefold since the pandemic started; in Beijing, the women's rights non-governmental organization (NGO) Equality reported a surge in calls to its helpline on issues of domestic violence, after lockdown measures were implemented throughout the country in early February 2020.¹⁹
12. On March 1, 2020, feminist activists launched an online campaign entitled “Little Vaccine Against Domestic Violence,” which garnered over 1,000 signatories in a week.²⁰ Ma Jinyu, an award-winning former reporter, is one of those who spoke up about her experiences of domestic violence online, and this caused a storm of reactions on Chinese social media even in early 2021.²¹ In another online initiative, hundreds of participants distributed self-made posters in their neighborhoods, reminding people to provide community care for survivors.²²
13. Women also used online platforms to share advice, practical strategies, and research on how to take action to fight domestic violence. **Feng Yuan**, a veteran feminist human rights defender and anti-domestic violence campaigner, shared her experience and advice in late February 2020 during a webinar entitled “What to do if I encounter domestic violence during the outbreak?” Over a thousand Internet users participated in the webinar or listened to the recording.²³ Yet, as victims took to the Internet to seek solidarity and support, they were met with renewed crackdowns on their gender justice activism, including shutting down of their online groups.²⁴

Targeting of women who resist traditional roles and norms

14. The offline physical world is shaped by culture, history, social structures such as the family, institution of marriage, and patriarchal values. These aspects are also reflected and amplified in and shape, the online space. The scale and speed of online exchanges and comments by online trolls and 50-Cent Party propagandist commentators²⁵ contribute to intensifying the disempowering online dynamic of restricting, abusing, and silencing of women. Mainland women defenders who speak out against status quo on anything are easy targets, and frequently face death threats and politicized accusations of being “separatists.”²⁶ **Lü Pin**, a leading feminist activist from the mainland, has pointed out that the general public also avoids being associated with feminists due to the pervasive stigma, whether online or offline.²⁷ Yet, young women in China, including feminist activists, are also resisting traditional routes of marriage and family and the official pressure under China's “two-child policy,”²⁸ to have more children.

15. In 2021, to respond to a demographic crisis presented by an aging population, China announced the “three-child policy” under which women are encouraged to have more children.²⁹ Low fertility rates in China in recent years has been attributed to young women becoming more educated and middle-class with more awareness of their rights,³⁰ discrimination in the workplace impacting women’s economic status, and the high costs of raising children. Since the relaxation of the “one-child policy” in 2015, not only have birth rates been dropping, first-time marriages have also fallen by 41% between 2013 and 2019.
16. Faced with the pressure and disempowering impact of official policies, feminist activists and many other netizens express their views online against not only the “three-child policy,”³¹ but also against related policies such as mandatory cooling-off periods on divorce³² and abortion guidelines,³³ which often impact on women’s autonomy and control over their own bodies, relationships, and lives. They are also critical of the imposed patriotism to meet national population targets or other national goals, and they point to more progressive maternity leave and other policies of democratic countries. Such criticism triggered nationalistic backlash challenging them, such as “why don’t you give up Chinese nationality and enjoy these overseas social benefits.”³⁴
17. The Chinese government has also censored any criticism of the “three-child policy.” Xinhua News, an official media outlet, deleted a poll asking readers whether they were prepared to have a third child after more than 90% of respondents said they “won’t even consider it.”³⁵ This state censorship also highlights the tensions between ensuring women’s autonomy and exercise of freedom of expression and other rights, and the imposition of nationalist policies that undermine these rights.

Online attacks on women and girls who participated in 2019 social protest movement in Hong Kong

18. 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.”³⁶ (Emphasis added.)
19. In Hong Kong, the unprecedented numbers of young women participating in the 2019 Anti-Extradition Law Amendment Bill (**Anti-ELAB**)³⁷ movement protests shattered existing gender norms and empowered a new generation of women activists.³⁸ At the same time, their activism also exposed them to various forms of gender-specific attack campaigns online and offline. We describe some examples below.
20. Disinformation, gendered attacks, and doxing via doctored photos. During the protests, women were subjected to verbal abuse targeting their physical appearances, rape threats, and doctored photos, many by suspected pro-establishment trolls. “They are not attacking my views or anything, they just attack me because I am female,” said **Mickey Leung Ho Wun**, 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.”³⁹ 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.⁴⁰ 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.⁴¹
21. Sexual harassment. Outspoken female pro-democracy figures are often targets of sexual harassment and cyber bullying.⁴² **Emilia Wong**, a prominent pro-democracy feminist, was subjected to regular

harassment and abuse online by pro-establishment supporters and the 50-Cent Party backed by the CPC.⁴³ 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, **Ho Ka-yau**, 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.⁴⁴

Severely restricted civic space in Hong Kong post-National Security Law

22. In June 2020, after a year of unprecedented massive social protests that erupted in 2019, Beijing, despite widespread local and international criticism and concern, pushed through the sweeping *National Security Law (NSL)* for Hong Kong⁴⁵ in a legislative process marked by unprecedented haste, secrecy, and a complete lack of genuine public consultation.⁴⁶ The law prohibits acts of secession, subversion, terrorism, and collusion with foreign forces, and creates a set of new implementing entities all effectively under the control of the central government, effectively eroding guarantees to preserve Hong Kong’s freedoms and way of life under the “one country, two systems” framework and China’s international obligations.⁴⁷
23. The NSL’s immediate and serious impacts on a *safe and enabling civil society space* are being widely and deeply felt in Hong Kong, as a previously vibrant and open society is subjected to draconian restrictions of speech and expression, attacks on academic freedom, media censorship, dismantlement of representative government, and mass arrests and prosecution of pro-democracy figures. Since July 2020, there is a continuing and expanding intensification of the securitization of and control over all civil society sectors. The comprehensive scope of the offenses of “subversion” and “collusion” with foreign forces targeted by the NSL has chilled the civil society environment and severely restricted expression in public spaces. Teachers, legislators, civil servants, and the media are also increasingly subjected to requirements of “loyalty” to the central government, the Party, and the nation.⁴⁸
24. We describe below examples of women lawyers, democracy activists, legislators, and journalists who have been targeted for their views or opinions, including in incidents related to the annual candlelight vigil in Victoria Park in Hong Kong that commemorates victims of the June Fourth military crackdown on the 1989 Democracy Movement. In 2021, for the second year straight, the police banned the vigil, invoking COVID-19 public health concerns. In the early morning of June 4, 2021, police arrested **Chow Hang-tung**, a 37-year old barrister and vice-chairwoman of the Hong Kong Alliance in Support of Patriotic Democratic Movements under the *Public Order Ordinance* for publicizing unlawful assemblies.⁴⁹ The arrest was based on a social media post⁵⁰ that Chow shared on her private account earlier that said “she would go to Victoria Park on the evening of June 4 in a personal capacity” to mourn the victims. On May 6, 2021, another woman, a 26-year-old pro-democracy district councillor named **Jannelle Rosalynne Leung Hoi-ching**, was sentenced to four months in jail for participating in an unauthorized assembly in the 2020 June Fourth candlelight vigil.
25. Both online and offline civil society space is further suppressed by the *National Security Law* under which speech itself may constitute serious crime of secession, sedition, subversion against the Chinese and Hong Kong governments, such as chanting slogans like “end to one-party dictatorship.”⁵¹ **Alexandra Wong** (also known as **Grandma Wong**), a 65-year-old veteran democracy female activist, was detained for hours over a solo protest on May 31, 2021. Police arrested Wong for “knowingly participating in an unauthorized assembly and attempting to incite

others to join an unauthorized assembly,” though she was only by herself holding a sign that read “32, June 4, Tiananmen’s lament” and a yellow umbrella.⁵²

26. Despite these arrests, all three female pro-democracy figures continue to express online and offline through letters from prison⁵³ or different means to exercise their right to freedom of expression, even as doing so may potentially put them behind bars.⁵⁴ Many other Hong Kong pro-democracy female figures continue to be arrested, prosecuted, or sentenced over organizing or participating in various peaceful assemblies stemming from the 2019 Anti-ELAB movement or under the *National Security Law* (i.e., participating in the 2020 Legislative Council primary election where over 600,000 residents in the city cast their votes).⁵⁵ However, they continue to speak up, stand fast, and encourage others to exercise their rights to freedom of expression by setting themselves as examples in the increasingly shrinking civil society space and under the shifting “red line.”

III. Cyberspace under digital authoritarianism

27. As the Special Rapporteur notes, digital technology has expanded opportunities for women to access information, communicate, mobilize and raise their voices, but it has also exposed them to new and severe threats. Many of the distinct barriers, challenges, and threats that women in China face in exercising their freedom of opinion and expression online stem from the state, intermediaries such as the ICT companies, and other netizens collectively.⁵⁶ It is within the highly-restricted rights environment, both offline and online, that women rights defenders must work, addressing gender-based violence, resisting patriarchal misogyny, and fighting for meaningful participation. The examples below illustrate this dynamic but also the active resistance of and solidarity demonstrated by feminist activists for one another, as well as the rising feminist movement.⁵⁷

Role of mainland platform operators

28. Platform operators and service providers play a key role in monitoring and censoring the online space. The *Cybersecurity Law of the People’s Republic of China (Cybersecurity Law)*,⁵⁸ enacted on June 1, 2017, mandates that all intermediaries such as platform operators and service providers are to aid in monitoring and censoring the online space. Some of the intermediaries’ legal obligations under the *Cybersecurity Law* include: monitor and take down objectionable content based on censorship requests often driven by current events and hot topics on social media; collect and verify users’ identities whenever they use major websites or services; “provide technical support and assistance” to security agencies in their criminal investigations; and keep user activity logs and relevant data for six months and hand it over to the authorities when requested without due process.⁵⁹ These companies are also *deploying artificial intelligence technologies* to help moderators monitor objectionable content.⁶⁰
29. Intermediaries that fail to comply with government orders and regulations risk fines and even closure, prompting them to invest substantial financial and human resources to keep “objectionable content” off their sites.⁶¹ In September 2017, the Cyberspace Administration of China (CAC) penalized some of the biggest Chinese intermediaries Baidu, Tencent, and Weibo with maximum fines under the country’s cybersecurity laws for failing to detect and take down banned content.⁶²
30. In addition to the take-down of content and accounts, platform operators also have privacy-related responsibilities. The *Personal Information Security Specification*⁶³ issued by China’s national standards body clarifies the definition of personal information and sets the guidelines for how organizations should handle personal information, including the collection, retention, use, sharing, and transfer of personal data. However, the *Personal Information Security Specification* and any

formal legal protections must be understood and assessed within the overarching censorship and surveillance ecosystem that is aimed at social control and ensuring the power of CPC rule.

31. These government-regulated Internet intermediaries in practice often enable trolls and nationalist commentators on social media platforms (e.g., Weibo, WeChat, Taobao) to succeed in shutting down the online voices of feminist activists and defenders. A recent example is the shutdown of dozens of Weibo accounts of feminist activists in late March and early April in 2021, related to a post by a prominent feminist activist. **Xiao Meili**'s post and video, #女子劝邻桌勿吸烟被泼不明液体# (“#woman splashed with unidentified liquid after no-smoking request”), was related to an incident she suffered on March 29 in a Chengdu restaurant. Xiao Meili's post attracted support from other feminist voices. But she also became the target of trolling and accusations that she supported Hong Kong independence based on a 2014 post dug up by another user. These attacks led to the suspension of her account.⁶⁴ By acting on the political accusation of another user who dug up a 2014 post, the platform operators were enforcing the official line through the suspension of her Weibo account, in effect censoring her for expression of support for the Hong Kong protesters in 2014.
32. As other women rights activists voiced their support for Xiao online, netizens also started trolling the accounts of those expressing solidarity with Xiao. Dozens of accounts run by women's rights activists in Weibo and Douban, popular sharing sites in the mainland, were subsequently suspended or restricted. Weibo asserted that the action was taken after they received user complaints claiming that those accounts contained “illegal and harmful information.”⁶⁵ Such actions by intermediaries only further contribute to stigmatizing and restricting expression by feminist voices.

Attacks from trolls, nationalists, and paid commentators

33. While the online sphere provides feminists' activists space to express their views and organize protests against online abuse,⁶⁶ it is also utilized by netizens such as trolls,⁶⁷ “little pinks” (xiaofenhong), young mostly female nationalists,⁶⁸ and 50-Cent Party, as well as others paid by authorities to manipulate public opinion and spread disinformation,⁶⁹ to harass, intimidate, and silence women rights defenders. As a result, freedom of expression is not only suppressed and chilled but also weaponized by those netizens against women in the digital sphere.
34. Gender-related issues are often among the most talked-about subjects online, but in a male-dominated culture, posts by popular online feminist activists have led to resentment and pushback.⁷⁰ Feminists have accused Weibo of applying a double standard between men and women when it comes to policing abusive language. For example, Weibo blocks the use of phrases such as “national male,” a derogatory term for Chinese men. but content including rape threats and words like “bitch” are not removed. **Zheng Churan**, a feminist whose account was also removed, said several of her female friends had tried to report offensive remarks to Weibo but never succeeded. A professor at Fudan University said it was not clear if accounts were targeted or shutdown under official direction or not, but that “it is clear there are no social platforms in China that are friendly to women and women's rights issues.”⁷¹

IV. Limits of legal, administrative, and regulatory measures to promote and protect women's freedom of expression

35. On October 1, 2020, at a high-level UN commemoration of the 25th anniversary of the Fourth World Conference on Women, President Xi Jinping said China is “prepared to do even more” to advance women's rights worldwide and urged the world to “eliminate prejudice, discrimination

and violence against women and make gender equality a social norm and moral imperative observed by all.”⁷²

36. In its CEDAW report submitted in March 2020, China states that it has established mechanisms for a gender equality-based evaluation of regulations and policies in at least 30 provinces as of February 2019. In its National Plan on Population Development (2016–2030) launched in 2016, China highlighted “the need to develop targeted policy measures [and] . . . fully incorporate gender equality into the legal system and public policies.” The Plan includes measures such as stepping up comprehensive management of sex ratio at birth as well the in-depth implementation of the “Care for Girls” campaign to improve girls’ living environment and put in place a system of supportive policies for the development of families with girls.⁷³
37. China has reported to the CEDAW Committee that it had adopted “all measures necessary” to eliminate all forms of discrimination against women including: the newly revised *Law of the People’s Republic of China on the Protection of Rights and Interests of Women* which provides that “the implementation of equality between men and women is a basic State policy of the country”; the *Anti-Domestic Violence Law* passed by the National People’s Congress Standing Committee in December 2015 to effectively strengthen the protection of the legitimate rights and interests of women and children; and the development or revision of more than a dozen other laws and regulations related to the protection of women’s rights and interests.⁷⁴
38. While Chinese laws reference discrimination and gender-based abuses, they continue to lack a definition of gender discrimination that conforms to international standards as recommended by UN experts and treaty bodies including the CEDAW Committee, and as urged by Chinese NGO groups, CPC mass organs such as the All-China Women’s Federation (ACWF),⁷⁵ researchers, and international NGOs.
39. There also remains a gap between existing formal protections and effective monitoring and implementation of these laws and policies, as the Chinese government itself has recognized. As China has noted in its ninth periodic report (CEDAW/C/CHN/9, para.15), “notions of backward patriarchy and inferiority of women have not been eradicated” and issues around violence and abuse against girls and women continue to exist in China partly due to the fact that “women still face some practical difficulties in the implementation of equal rights in employment, personal property, marriage, and family, etc.” In its state party report to the UN Committee on Economic, Social and Cultural Rights (ICESCR), the Chinese government also states that “gender stereotypes and inequality between men and women persist, and violations of women’s rights” continue to occur.⁷⁶
40. Despite this extensive body of laws, policies, and measures to protect women’s rights, the rejection by China of a rights-based framework is at heart of the limits of law to advance meaningful progress. In its conclusions after an official mission to China in 2013, the UN Working Group on discrimination against women in law and practice emphasized that “the goal of gender equality cannot be fulfilled in China unless women’s rights defenders can function in an environment of freedom.” It called on the government to provide “legal protection for all defenders of women’s human rights and autonomous women’s groups and coalitions in civil society to allow them to advance implementation of the law and advocate for policy changes affecting gender equality as part of the overall strengthening of the rule of law, democracy and human rights.”⁷⁷ (Emphasis added.)

V. Recommendations

41. Building upon the feminist framework, the recognition of the core value of women’s lived experiences and perspectives is critical to understanding structural and ideological factors that shape barriers and restrict opportunities for effective exercise of not just women’s rights to freedom of opinion and expression, but of all fundamental rights. The application and development of a systematic feminist analysis will contribute to the continual development of norms and standards for freedom of expression that empower women’s autonomy and strengthen rights protection for women and benefit all of society, including in rights restrictive regimes.
42. In order for these evolving norms and standards to be grounded in and address the full range of local and national environments, the Special Rapporteur’s forthcoming report should signal the particular barriers posed by rights restrictive regimes. Some issues that would benefit from further analysis as part of the Special rapporteur’s mandate include: the gendered-impact of implementation of restrictive national security laws on peaceful exercise of freedom of expression and other fundamental rights; the gender dimensions of the undermining of a safe and enabling environment for civil society; and the intersection of nationalist ideology, propaganda, and patriarchal social structures and values and their impacts on the full enjoyment of rights protected by national and international human rights law.
43. Multi-stakeholder initiatives also need to recognize the specific legal and policy constraints on a different range of stakeholders in a state-led and regulated “private” ICT sector under an authoritarian regime like the government of China. The close relationship between the CPC and China’s major technology companies, the business leadership aspirations of these companies, and the enormous online netizen universe present additional pressures and challenges for intermediaries and other stakeholders. While recognizing the complex security and logistical challenges, future multi-stakeholder convenings or discussions should address these differences in terms of participation, substantive topics, and structure of the convenings.
44. Despite enormously steep barriers and ongoing repression and suppression, women rights defenders in China continue to press for gender justice with resilience and creativity. The effective, safe, and sustainable exercise of the rights to freedom of expression and opinion is a critical tool for that long-term struggle to address the structural, systemic, and cultural work that remains.

¹ See also e.g., the Committee on Elimination of Racial Discrimination’s (CERD) most recent Concluding Observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China)¹, where requests were made for China’s disaggregated statistics on subjects such as administrative and civil complaints on racial discrimination, Development and poverty reduction, and definitions of terrorism and separatism, amongst others. Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China) (CERD/C/CHN/CO/14-17), dated September 19, 2018, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhslsns7vAyg8M3uDZ7r n5ZZMW4psIG8%2fevE%2fZXWBEvcRTevsX4htmWQRmXdLs%2fC29wCxsvSRzNMUUMc2kVpwgZMtPy7CP%2bLMBCCgcm%2fXghaV49BfVszv5rtIelug%2f%2fhbhA%3d%3d>.

² In the Committee on Elimination of Discrimination Against Women’s (CEDAW) Concluding Observations on the combined seventh and eighth periodic reports of China of November 14, 2014, the Committee stated concerns regarding how “critical information required to assess the status of women is classified as a State secret under various security regulations, which unduly restricts access to information on women’s rights issues [and] ... that the system of data collection and sharing remains too weak to enable adequate monitoring and evaluation of the implementation of the Convention.” Concluding observations on the combined seventh and eighth periodic reports of China (CEDAW/C/CHN/CO/7-8), dated November 14, 2014, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoVqDbaslinb8oXgzp>

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³ Ninth periodic report submitted by China under article 18 of the Convention, due in 2018 (CEDAW/C/CHN/9), date received March 26, 2020,

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