

## II. Human Rights

### FREEDOM OF EXPRESSION

#### *Findings*

- The Chinese government and Communist Party’s pervasive information controls contributed to the severity of the outbreak in late 2019 of a novel coronavirus and the resulting COVID–19 pandemic. Official suppression of information about the outbreak, particularly authorities’ censorship of the media, and actions to silence frontline hospital personnel who sought to inform community members, sparked outrage in China and led to unprecedented calls by Chinese citizens for freedom of speech, along with criticism of the censorship system in China.
- Several Chinese media outlets, particularly China Business News, Caixin, and Beijing News, published critical investigative reports, interviews, and editorials about the government’s response to the COVID–19 outbreak. While many of these reports were subsequently censored by the government, several citizen-led projects to archive disappearing reports emerged. Public security authorities detained three individuals from one such project, Terminus 2049. State and Party media pushed a positive narrative about the government’s efforts to contain the spread, featuring President and Party General Secretary Xi Jinping as “commander” of the “people’s war” against the virus.
- Reporters Without Borders’ (RSF) 2020 press freedom index ranked China the fourth worst country in the world for press freedom (177 out of 180) for the second year in a row. RSF pointed to ongoing censorship, harassment and detention of journalists, and the pervasive spread of surveillance as key factors in its assessment. China imprisoned the most journalists in the world in 2019, according to the Committee to Protect Journalists (CPJ). Many of the detained Chinese journalists on CPJ’s list are “citizen journalists,” some of whom are non-professional or former journalists who use digital media platforms to document rights abuses. In April 2020, authorities sentenced former state and Party media journalist **Chen Jieren** to 15 years’ imprisonment on multiple charges in connection with his critical commentary and reports online.
- The Chinese government expelled or failed to renew the work visas for nearly 19 foreign journalists this past year. The expulsions from China of U.S. journalists from the New York Times, the Washington Post, and the Wall Street Journal reportedly were in retaliation for the U.S. Government requirement that five state- and Party-run media outlets working in the United States register as foreign missions. As part of the same retaliatory action, Chinese authorities also forced many Chinese nationals working at the China offices of the New York Times, the Wall Street Journal, CNN, and Voice of America to resign.
- In its 2019 annual report on internet freedom throughout the world, Freedom House again found the Chinese government to be the world’s worst abuser of internet freedom, the

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fourth consecutive year China has held that position. This past year, the Cyberspace Administration of China released provisions that aim to promote “a positive online ecosystem, to ensure the lawful rights and interests of citizens, legal persons, and other organizations; and to preserve national security and the public interest.” The provisions also place greater pressure and liability on internet and social media platforms to monitor online content, which may lead to “overzealous censorship,” according to an expert. Additionally, these platforms are instructed to manipulate artificial intelligence (AI)-based algorithms to shape—and restrict—online users’ access to information, such as content from user searches, trending topics, and pop-ups.

- Government and Party censorship resulted in further shrinking of the space for public commentary. Two well-known forums for Chinese scholars, journalists, and intellectuals—the think tank Unirule Institute and the opinion-sharing platform Tencent Dajia—closed in August 2019 and February 2020, respectively.

### *Recommendations*

Members of the U.S. Congress and Administration officials are encouraged to:

- Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning: the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censorship of foreign media websites. Consistently link press freedom to U.S. interests, noting that censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises, food safety problems, and corruption, and act as trade barriers for foreign companies attempting to access the Chinese market. Assess the extent to which China’s treatment of foreign journalists contravenes its World Trade Organization commitments and other obligations.
- Sustain, and where appropriate, expand, programs that develop and widely distribute technologies that will assist Chinese human rights advocates and civil society organizations in circumventing internet restrictions, in order to access and share content protected under international human rights standards. Continue to maintain internet freedom programs for China at the U.S. Department of State and the United States Agency for Global Media to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and internet freedom advocates in China.
- Raise with Chinese officials, during all appropriate bilateral discussions, the cost to U.S.-China relations and to the Chinese public’s confidence in government institutions that is incurred when the Chinese government restricts political debate, advocacy for democracy or human rights, and other forms of peace-

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ful political expression. Emphasize that such restrictions violate international standards for free expression, particularly those contained in Article 19 of the International Covenant on Civil and Political Rights and Article 19 of the Universal Declaration of Human Rights.

○ Urge Chinese officials to end the unlawful detention and official harassment of Chinese rights advocates, lawyers, and journalists subjected to reprisal for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as **Huang Qi, Liu Feiyue, Chen Jieren, Xu Zhiyong, Ding Jiayi, Chen Qiushi, Fang Bin, Zhang Zhan, Quan Shixin, Zhang Jialong, Chen Mei, Cai Wei, Ekber Eset**, and other political prisoners mentioned in this Report and documented in the Commission's Political Prisoner Database.

## FREEDOM OF EXPRESSION

### *Introduction*

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression David Kaye has described the coronavirus COVID-19 pandemic as a “crisis of free expression ... facilitated by information policies that weakened the infrastructures of warning and reporting.”<sup>1</sup> The Chinese government and Communist Party’s repressive information controls contributed to the severity of the outbreak in China of a novel coronavirus in late 2019. Official suppression of information about the outbreak, particularly authorities’ actions to silence frontline hospital personnel who sought to inform community members, sparked outrage in China and led to widespread calls by Chinese citizens for freedom of speech and to fierce criticism of the censorship system in China.<sup>2</sup> Those calls for freedom of speech reverberated in one of the final public comments by the late Dr. Li Wenliang—one of the doctors from the outbreak epicenter in Wuhan municipality, Hubei province, whom authorities reprimanded for warning colleagues and family about the virus in December: “[T]here should be more than one voice in a healthy society.”<sup>3</sup>

### INTERNATIONAL HUMAN RIGHTS STANDARDS

International standards on freedom of expression and the press address concerns that governments may place excessive restrictions on speech. Article 19 of the International Covenant on Civil and Political Rights<sup>4</sup> and its reiteration in a 2011 report on freedom of opinion and expression allow for countries to impose certain restrictions or limitations on freedom of expression, if such restrictions are provided by law and are necessary for the purpose of respecting the “rights or reputations of others” or protecting national security, public order, public health, or morals.<sup>5</sup> In April 2020, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression examined the right to freedom of expression and freedom of information during pandemics, and emphasized that “principles of legality, necessity and proportionality apply across the board; they are not simply discarded in the context of efforts to address the public health threat of COVID-19.”<sup>6</sup> The use of digital surveillance also is inextricably intertwined with freedom of expression and the press, and creates a chilling effect on journalists and social media users, given the threat of criminal detention, risk to employment, and likelihood of harassment when government authorities have broad discretion in determining purported illegal speech.<sup>7</sup>

### *Freedom of the Press*

Reporters Without Borders’ (RSF) 2020 press freedom index ranked China the fourth worst country in the world for press freedom (177 out of 180) for the second year in a row.<sup>8</sup> RSF pointed to ongoing censorship, harassment and detention of journalists, and the pervasive spread of surveillance as key factors in its assessment.<sup>9</sup> Freedom of the press is guaranteed in China’s Constitu-

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tion,<sup>10</sup> yet the legal framework in which the news media operates leaves journalists vulnerable to criminal prosecution for news gathering and reporting.<sup>11</sup> In recent years, the Chinese government has passed restrictive laws, e.g., the PRC National Security Law<sup>12</sup> (2015) and PRC Cybersecurity Law<sup>13</sup> (2017) and various implementing regulations, that have weakened journalism in China, particularly online reporting.<sup>14</sup>

### PARTY CONTROL OF THE MEDIA

Media serving “as government mouthpieces instead of as independent bodies operating in the public interest” are a major challenge to free expression, according to international experts.<sup>15</sup> The Chinese Communist Party has historically designated the Chinese news media as its “mouthpiece,”<sup>16</sup> providing the Party’s version of the news and managing public opinion.<sup>17</sup> Official control includes prohibitions on independent reporting<sup>18</sup> and the use of foreign media reports,<sup>19</sup> and restricting coverage to “authoritative” content,<sup>20</sup> typically from the state media agency Xinhua.<sup>21</sup> Censorship directives from the Cyberspace Administration of China,<sup>22</sup> the Central Propaganda Department, and other government entities<sup>23</sup> this past year restricted coverage of China-U.S. relations<sup>24</sup> and the COVID-19 pandemic,<sup>25</sup> among other topics that authorities deemed politically sensitive or harmful.<sup>26</sup>

The Party’s ongoing efforts to instill the primacy of Party leadership and ideology in the practice of Chinese journalism are illustrated by the following selected developments:

- **Chinese Communist Party Propaganda Department Work Regulations.**<sup>27</sup> In late August 2019, Xinhua publicized the issuance of the first-ever Propaganda Department Regulations, which were formulated as part of a five-year intraparty plan (2018–2022) to develop an array of regulations for various Party entities to better synchronize their work with amendments to the Party Constitution at the 19th Party Congress.<sup>28</sup> Official articles about the Regulations highlighted the Propaganda Department’s role in guiding and managing news media to consolidate Party leadership,<sup>29</sup> noting such challenges as the changing media environment (e.g., the rise of social media), changes in social mores, and the negative influence of Western media norms.<sup>30</sup>

- **Testing Journalists’ Knowledge of Xi Jinping Thought.** Knowledge of the “Marxist view of journalism” has long been the basic ideological foundation for the work of Chinese journalists.<sup>31</sup> This past year, the Party emphasized knowledge of Xi Jinping ideology<sup>32</sup> by requiring journalists to pass a test in October 2019 based on information from the state-owned “Study Xi, Strengthen the Nation” (*Xue Xi Qiang Guo*) mobile application (app) and online platform,<sup>33</sup> in order to obtain a new press card.<sup>34</sup> As the app contains Chinese Communist Party General Secretary and President Xi Jinping’s speeches, videos, and articles,<sup>35</sup> some sources referred to the journalists’ exam as a loyalty test to Xi.<sup>36</sup>

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### DOMESTIC CHINESE MEDIA COVERAGE OF THE COVID-19 OUTBREAK

Chinese journalists responded quickly to the release of two urgent bulletins dated December 30, 2019, from the Wuhan Municipal Health Commission to local Wuhan hospitals, one of which confirmed cases of patients with a “pneumonia of unknown origin” in Wuhan<sup>37</sup> and the other that ordered local hospitals to report additional cases presenting similar symptoms later the same day.<sup>38</sup> On December 31, 2019, China Business News (better known as Yicai) and Beijing News were among the first media outlets to publicly authenticate the source and veracity of the information in the two bulletins.<sup>39</sup> State media outlet Xinhua reported the same day on a December 31 public bulletin from the Wuhan Health Commission—relating news of 27 confirmed cases of a “viral-type” (*bingduxing*) pneumonia, linked to a local seafood market, noting that there were no cases of hospital staff falling ill from infection or human-to-human transmission.<sup>40</sup> A day later, Xinhua reported that eight unnamed “rumor-mongers” in Wuhan allegedly spread “untrue information” online about the outbreak, adding a public security warning to refrain from violating the law.<sup>41</sup>

Mainstream media coverage in the first three weeks of January 2020 fell along a spectrum from “tone deafness”<sup>42</sup> to reassuring the public that the viral outbreak was “controllable” and “preventable.”<sup>43</sup> People’s Daily—the Party’s official news outlet to which Chinese officials look for “signals about leadership priorities”<sup>44</sup>—covered the coronavirus on its front page for the first time on January 21, 2020, the day after Party General Secretary and President Xi Jinping made his first public announcement about the virus.<sup>45</sup> The Wuhan Evening News, a popular commercial newspaper in Wuhan, reportedly did not print news of the COVID-19 outbreak on its front page between January 6 and January 19,<sup>46</sup> overlapping the two-week period (January 6–17) when the Hubei provincial and Wuhan municipal People’s Congress meetings were held in Wuhan.<sup>47</sup>

When mainstream media subsequently began to cover the outbreak and mitigation efforts, articles were aimed at conveying “positive energy” (*zheng nengliang*),<sup>48</sup> an official term referring to publication of positive propaganda about the government and Party which has become a central principle of media policy under Xi Jinping’s leadership.<sup>49</sup> With the arrival of 300 journalists in Wuhan on February 4, Party and state media were in place to both monopolize information provided to the public about COVID-19<sup>50</sup> and shape a positive narrative of government and Party leadership.<sup>51</sup> Later in February, Ying Yong—the newly appointed provincial party secretary of Hubei and head of Hubei’s provincial coronavirus prevention and control task force<sup>52</sup>—convened a meeting at which he encouraged “news workers” to follow the spirit of Xi Jinping’s guidance and instruction on virus control and prevention; to increase news reporting that “guides public opinion”; and to use various channels available to media outlets, including social media.<sup>53</sup> Ying Yong further stressed that the news should showcase the Party and Party members at work on virus control and prevention.<sup>54</sup> In one such story of “positive energy” in March, prominent epidemiologist Zhong Nanshan together with several hospital doc-

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tors and nurses took the oath to become probationary Party members.<sup>55</sup> As containment efforts in Wuhan began to show traction, Xi Jinping's role as "commander" of the "people's war" against the coronavirus took greater prominence in news coverage.<sup>56</sup>

Some Chinese media outlets began to aggressively cover the COVID-19 outbreak on January 20,<sup>57</sup> following Zhong Nanshan's same-day appearance on China Central TV (CCTV) in which he confirmed human-to-human transmission of the disease.<sup>58</sup> Media outlets like Caixin, China Business News, and Beijing Youth Daily published investigative reports,<sup>59</sup> interviews with frontline doctors,<sup>60</sup> and editorials<sup>61</sup> that criticized the government's suppression of information and called for transparency and accountability.<sup>62</sup> The appearance of investigative reports is consistent with the trend, observed by scholars, that the government and Party have relaxed control of the media to report with fewer constraints in some past major disasters, later "managing public opinion" with censorship of critical perspectives and promoting positive reports of the government and Party.<sup>63</sup> Media scholar Maria Repnikova noted that such reporting "can help [the government] identify the sources of a problem, assess public sentiment and possibly, too, deliver an effective response—or at the very least, allow it to project an image of managed transparency."<sup>64</sup>

Some Chinese journalists weighed in on the lack of credible reporting and information about the COVID-19 outbreak. One veteran journalist commented that the Chinese people were "paying the price" for the lack of press freedom and information.<sup>65</sup> The Party-run media outlet Global Times' editor-in-chief Hu Xijin, who is known for aggressively promoting the Party and railing against the United States in his editorials,<sup>66</sup> nevertheless used his personal Weibo account to highlight systemic issues in the delay to inform the public about the outbreak, noting the failure of domestic media to act as an external watchdog and provide the public with critical information.<sup>67</sup> Hu went further by linking the media failure to the intrusion of government "functional departments that have nothing to do with [the Party's] propaganda department but that are extremely powerful at all levels and throughout the country [and which] have weakened the oversight capacity of news media."<sup>68</sup> Following an upward adjustment of the number of COVID-19 cases, Bai Yansong used his platform as anchor of CCTV's marquee news program "News1+1" (*Xinwen yi jia yi*) to tell viewers, "[i]n a situation where there is no drug treatment [for the novel coronavirus], open information is the best vaccine."<sup>69</sup>

As official censorship of critical domestic reporting tightened in early February,<sup>70</sup> ordinary citizens began to archive COVID-19-related journalism (including from official news outlets)<sup>71</sup> and other forms of writing, such as essays, memoirs, and social media posts, that censors had removed or otherwise blocked.<sup>72</sup> One of the COVID-19 archivists reportedly said, "We didn't think too much about the censorship. We just wanted to keep this memory of Chinese journalism."<sup>73</sup> Readers attempted to maintain access to a censored interview with the Wuhan Central Hospital emergency department chief from the March 10, 2020, issue of *People (Renwu)*, by transposing it into several languages (e.g., Korean), scripts (e.g., oracle bone script), and code (e.g., Morse code), to

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shield it from censorship.<sup>74</sup> In April, public security officials from Beijing municipality detained three individuals associated with Terminus 2049, a project to store journalism on the open-source coding platform GitHub.<sup>75</sup> The archiving project Blockflote briefly shut down in April due to the “chilling effect” of the detentions at Terminus 2049.<sup>76</sup>

### CRIMINAL DETENTIONS OF CITIZEN JOURNALISTS

China had the highest number of detained journalists in the world in 2019, according to the Committee to Protect Journalists (CPJ).<sup>77</sup> Many of the detained Chinese journalists on CPJ’s list are “citizen journalists,”<sup>78</sup> some of whom are non-professional or former journalists who use digital media platforms to document rights abuses.<sup>79</sup> Citizen journalists in China have reported on topics that the government and Party restrict or negatively portray in official news outlets, such as the treatment of ethnic minority groups, religious belief,<sup>80</sup> labor protests,<sup>81</sup> and rights defense activities.<sup>82</sup> **Wei Zhili**, **Ke Chengbing**, and **Yang Zhengjun**—citizen journalists who worked together on a labor rights website—have been in pre-trial detention since early 2019 on the charge of “picking quarrels and provoking trouble.”<sup>83</sup> Several citizen journalists who founded websites to report on human rights issues continued to serve lengthy sentences, including **Lu Yuyu** (4 years, released in June 2020),<sup>84</sup> **Liu Feiyue** (5 years),<sup>85</sup> and **Huang Qi** (12 years).<sup>86</sup> In November 2019, sources reported that Lu was suffering from depression and that prison authorities denied his request for medical treatment and physical exercise.<sup>87</sup> Huang was in poor health even before he was detained in November 2016, and his kidney and heart conditions reportedly have worsened due to inadequate medical treatment.<sup>88</sup> On April 30, 2020, authorities sentenced **Chen Jieren**, a former state and Party media journalist, to 15 years in prison on multiple charges in connection with his reports and critical commentary on various social media accounts.<sup>89</sup>

The COVID–19 outbreak in China prompted citizen journalists and ordinary citizens to turn to video blogging (“vlogging”)<sup>90</sup> as a means of documenting the reality of the pandemic in the absence of credible coverage by official media.<sup>91</sup> Images and short videos included chaotic hospital scenes, instances of public mourning and cries for help,<sup>92</sup> and incidents of persons in positions of authority violently implementing quarantine conditions.<sup>93</sup> In February 2020, authorities detained **Chen Qiushi**,<sup>94</sup> **Fang Bin**,<sup>95</sup> and **Li Zehua** (released in April),<sup>96</sup> all three of whom used video blogging to document conditions at hospitals and other locations in Wuhan municipality, Hubei province.<sup>97</sup> In May, **Zhang Zhan**, a citizen journalist and former lawyer from Shanghai municipality, was criminally detained on suspicion of “picking quarrels and provoking trouble,” apparently for live-streaming her impressions while in Wuhan in early February.<sup>98</sup>

### A CAMPAIGN TO “DISMANTLE FOREIGN MEDIA”?

The Chinese government and Communist Party intensified the aggressive treatment of foreign journalists and media outlets in China, attempting to limit international journalism in China and Hong Kong. In one analysis, an unnamed journalist contextualized

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the recent expulsions of foreign journalists as part of Chinese authorities' "broader campaign to dismantle foreign media" in China.<sup>99</sup> The Foreign Correspondents' Club of China (FCCC) described in its 2019 annual survey of working conditions in China the Chinese government's "weaponization" of visas and press credentials, such as short-term visas for correspondents, to limit foreign journalists' on-the-ground reporting.<sup>100</sup> The use of expulsions from China of foreign journalists and a visa non-renewal case—tantamount to effective expulsion<sup>101</sup>—characterized this "weaponization" in the Commission's 2020 reporting year, and included the following:

- In **August 2019**, authorities revoked the press credentials of a Wall Street Journal (WSJ) reporter<sup>102</sup> one month after his investigative report about the financial dealings of a family relation of President and Party General Secretary Xi Jinping was published.<sup>103</sup>
- In **February 2020**, the Chinese government revoked press credentials for three WSJ reporters, the day after the U.S. Government announced that five Chinese state- and Party-run media outlets working in the United States would be required to register as foreign missions.<sup>104</sup> The Chinese government linked the expulsions to the WSJ's use of a 19th-century geopolitical saying in the headline of a WSJ opinion piece, which authorities deemed offensive.<sup>105</sup> (Members of the WSJ China bureau reportedly expressed frustration with the WSJ editorial page's judgment and called on WSJ senior officers to issue an apology.<sup>106</sup>)
- In **March 2020**, Chinese authorities revoked the press credentials of all U.S. journalists working in China for the WSJ, New York Times, and Washington Post, and gave them 10 days in which to leave the country.<sup>107</sup> An unprecedented<sup>108</sup> condition of the March expulsion of U.S. journalists disallowed them from being stationed at their respective Hong Kong bureaus.<sup>109</sup> Officials framed the expulsions as retaliation<sup>110</sup> against the U.S. Government for limiting the total number of Chinese nationals permitted to work in the United States at the five official media outlets designated as foreign missions.<sup>111</sup>
- In **May 2020**, an Australian journalist and long-time China correspondent for the New York Times left China after officials apparently refused to renew his visa.<sup>112</sup> The journalist's visa expired in mid-February while he was in Wuhan municipality, Hubei province, to cover the COVID-19 epidemic at its epicenter.<sup>113</sup>

A Voice of America correspondent reflected that "journalists [were] caught in the crossfire" of tense bilateral relations between China and the United States this past year.<sup>114</sup> The Chinese government's "media purge"<sup>115</sup> of foreign journalists punished international news outlets that have actively reported on issues that authorities deem politically sensitive,<sup>116</sup> often with analyses that differ significantly from Chinese official media.<sup>117</sup> In November 2019, an international consortium of journalists and the New York Times separately used leaked official documents to report on the inhumane conditions at mass internment camps in the Xinjiang Uyghur

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Autonomous Region (XUAR) where Chinese authorities arbitrarily detain Uyghur and other predominantly Muslim ethnic groups.<sup>118</sup> In contrast, Chinese state media has claimed that these facilities are used for vocational training and anti-terrorism efforts.<sup>119</sup> [For more information on international reporting on mass internment camps in the XUAR, see Section IV—Xinjiang.]

According to the FCCC and other sources, official tactics to obstruct and limit foreign media coverage in China included the government’s use of “digital and human” surveillance and harassment of foreign journalists;<sup>120</sup> intimidation of Chinese nationals who worked as news assistants,<sup>121</sup> particularly in the case of the forced “resignation” of Chinese nationals from the China offices of the Wall Street Journal, Voice of America, CNN, and the New York Times, in connection to the expulsions noted above;<sup>122</sup> harassment of sources;<sup>123</sup> and restricted access to and interference in the coverage of developments in the XUAR and of policies that affect Uyghurs,<sup>124</sup> the Tibet Autonomous Region, and other ethnic minority or border areas of China.<sup>125</sup> Censorship, moreover, limited Chinese citizens’ access to foreign media: In October 2019, FCCC and the censorship-monitoring group GreatFire.org<sup>126</sup> found that nearly 25 percent of accredited news sites were blocked in China.<sup>127</sup> [For more information on the pressures on foreign reporters, see Section VI—Developments in Hong Kong and Macau.]

### *Internet and Social Media*

In its 2019 annual report on internet freedom throughout the world, Freedom House again found the Chinese government to be the world’s worst abuser of internet freedom, the fourth consecutive year China has held that position.<sup>128</sup> The government’s online censorship system is considered the most comprehensive in the world, and involves sophisticated filtering and surveillance technologies which prevent internet and social media users within China from accessing information that the government and Party deem to be harmful and which obstruct tools for circumventing the censorship system.<sup>129</sup> With approximately 900 million people using the internet in China as of March 2020<sup>130</sup> and 1.1 billion people worldwide who are users of the social media platform WeChat (*Weixin*),<sup>131</sup> government and Party violations of internet freedom are massive in scale. As China Digital Times founder Xiao Qiang commented, understanding China’s censorship apparatus “reveals details of the workings of political power in everyday life.”<sup>132</sup>

<b>Imprisoned Uyghur Social Media Entrepreneurs and Website Editors</b>
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<p>The Chinese government’s long-term suppression of Uyghur social media and online speech<sup>133</sup> gained further prominence during the 2020 reporting year with media coverage of the 15-year prison sentence meted out to <b>Ekber Eset</b> (also written as Ekpar Asat and Aikebai’er Aisaiti) for allegedly “inciting ethnic hatred.”<sup>134</sup> Authorities in Urumqi municipality, Xinjiang Uyghur Autonomous Region (XUAR), reportedly detained Ekber Eset not long after his participation in a three-week program in the United States in February 2016, which was sponsored by the U.S. Department of State.<sup>135</sup> Ekber Eset had founded Bagdax, a Uyghur-language social media application with approximately 100,000 users.<sup>136</sup> Authorities have also sentenced other Uyghur social media entrepreneurs and website editors, including <b>Ilham Tohti</b>, a professor at Minzu University in Beijing municipality and founder of the website Uyghur Online, to a life sentence in 2014 for “separatism”;<sup>137</sup> seven of Tohti’s students who allegedly contributed to Uyghur Online—<b>Mutellip Imin</b>, <b>Shohret Nijat</b>, <b>Atikem Rozi</b>, <b>Perhat Halmurat</b>, <b>Akbar Imin</b>, <b>Abduqeyum Ablimit</b>, and <b>Luo Yuwei</b>—to sentences between three and eight years;<sup>138</sup> and <b>Memetjan Abdulla</b> and <b>Gulmira Imin</b>, both of whom were connected to the website Salkin, to life sentences in 2010 on multiple charges.<sup>139</sup> Radio Free Asia reported in 2016 that authorities detained <b>Ababekri Muhtar</b>, the founder of the Uyghur language website Misranim, and several of the website’s editors and writers, including <b>Tursunjan Memet</b>, <b>Omerjan Hesén</b>, and <b>Ablimit Ghoja’abdulla</b>.<sup>140</sup></p>
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## CONTENT CONTROL

Content control remained a focus in the growing body of internet, social media, and live-streaming regulations in China.<sup>141</sup> This past year, the Cyberspace Administration of China released guidelines that aim to promote “a positive online ecosystem, to ensure the lawful rights and interests of citizens, legal persons, and other organizations; and to preserve national security and the public interest.”<sup>142</sup> The Provisions on the Governance of the Online Information Content Ecosystem (effective March 1, 2020) cover a broad scope of content, and entail monitoring and managing the “online ecosystem,” and the involvement of producers and users of websites, instant messaging platforms, mobile applications, live-streaming platforms, and other digital platforms.<sup>143</sup> The provisions broadly outline the kinds of content the government and Party deem negative or illegal, and content that the government and Party encourage.<sup>144</sup> The content that is encouraged prioritizes “positive energy,” which one official described as “advanc[ing] the social and policy goals of the [Party].”<sup>145</sup> The provisions also place greater pressure and liability on internet and social media platforms to monitor online content,<sup>146</sup> which may lead to “overzealous censorship,” according to Jeremy Daum of China Law Translate.<sup>147</sup> Additionally, these platforms would be programmed to manipulate artificial intelligence (AI)-based algorithms to shape—and restrict—online users’ access to information, such as content from user searches, trending topics, and pop-ups.<sup>148</sup> The South China

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Morning Post observed that the use of AI-driven algorithms may “expand the reach and depth of the government’s propaganda and ideology.”<sup>149</sup> [For more information, see Role of Commercial Firms in Government Censorship in Section II—Business and Human Rights.]

Pervasive government and Party censorship resulted in further shrinking of the space for public commentary, a trend the Commission reported in its 2017 Annual Report after authorities closed the reform-minded journal *Yanhuang Chunqiu* and permanently suspended *Consensus*, a website known for open discussion and debate.<sup>150</sup> Two well-known forums for Chinese scholars, journalists, and intellectuals—the think tank **Unirule Institute** and the opinion-sharing platform **Tencent Dajia**—closed in August 2019<sup>151</sup> and February 2020,<sup>152</sup> respectively. Unirule, a non-governmental organization established in 1993, focused on economic and political reform; in recent years, it had faced official harassment,<sup>153</sup> including the forced shutdown of its Beijing municipality office in July 2018.<sup>154</sup> Its closure was linked to purported regulatory violations of operating without registration as a non-governmental non-enterprise unit and without a license for a website.<sup>155</sup> Unirule’s executive director asserted that authorities had violated the organization’s right to freedom of association in Article 35 of China’s Constitution,<sup>156</sup> which holds that, “Citizens of the People’s Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.”<sup>157</sup> Tencent Dajia, a media outlet started in 2012,<sup>158</sup> published commentary and opinion from mainland Chinese, Taiwanese, and Hong Kong writers.<sup>159</sup> Reports linked the shutdown of Tencent Dajia’s website and WeChat account to its publication of an article by a veteran journalist who analyzed the coverage of the COVID-19 outbreak by Chinese mainstream media and opined that it did not meet the standards of journalism.<sup>160</sup>

This past year, authorities also arbitrarily detained, and in some cases proceeded with trials and sentencing of, Chinese citizens for speech and expression protected by international human rights standards. Selected cases included the following:

- For online support to and/or reports about the Hong Kong anti-extradition bill and pro-democracy demonstrations: **Xu Kun**,<sup>161</sup> **Zhou Zaiqiang**,<sup>162</sup> **Wang Haoda**,<sup>163</sup> **Lai Rifu**,<sup>164</sup> **Ba Luning**,<sup>165</sup> **Yang Xubin**,<sup>166</sup> **Huang Xueqin**,<sup>167</sup> **Yang Licai**,<sup>168</sup> and **Quan Shixin**.<sup>169</sup>
- For discussion of Chinese politics and civil society developments: **Xu Zhiyong**, **Ding Jiayi**, **Dai Zhenya**, **Li Yingjun**, and **Zhang Zhongshun**, who participated in a private gathering in December 2019;<sup>170</sup> rights lawyers **Hao Jinsong**<sup>171</sup> and **Chang Weiping**;<sup>172</sup> and a Shandong-province university student named **Zhang Wenbin** who criticized President and Party General Secretary Xi Jinping.<sup>173</sup> Authorities in Beijing municipality harassed and detained a noted labor and women’s rights advocate and Xu Zhiyong’s partner, **Li Qiaochu**.<sup>174</sup>
- For criticism of the government’s COVID-19 response: democracy advocate **Guo Quan**;<sup>175</sup> retired Beijing University of Science and Technology professor **Chen Zhaozhi**;<sup>176</sup> **Zeng Chunzhi**, who reported price-gouging during the outbreak;<sup>177</sup>

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and several citizen journalists mentioned above in this section, including **Chen Qiushi**, **Fang Bin**, **Li Zehua**, and **Zhang Zhan**.

- For use of Twitter to express critical opinions: anti-censorship advocate and former journalist **Zhang Jialong**<sup>178</sup> and Urumqi resident **Li Lin**;<sup>179</sup> and
- In connection with anniversaries authorities deem politically sensitive, such as the 31st anniversary of the Tiananmen Square democracy and free speech protests: poet **Wang Zang**<sup>180</sup> and rights defenders **Zhang Wuzhou**, **Chen Siming**, and **Chen Yunfei**.<sup>181</sup>

## Notes to Section II—Freedom of Expression

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<sup>4</sup> International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 19.

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