

# CHINA 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The People's Republic of China is an authoritarian state in which the Chinese Communist Party is the paramount authority. Communist Party members hold almost all top government and security apparatus positions. Ultimate authority rests with the Communist Party Central Committee's 25-member Political Bureau (Politburo) and its seven-member Standing Committee. Xi Jinping continued to hold the three most powerful positions as party general secretary, state president, and chairman of the Central Military Commission.

The main domestic security agencies include the Ministry of State Security, the Ministry of Public Security, and the People's Armed Police. The People's Armed Police continue to be under the dual authority of the Central Committee of the Communist Party and the Central Military Commission. The People's Liberation Army is primarily responsible for external security but also has some domestic security responsibilities. Local jurisdictions also frequently use civilian municipal security forces, known as "urban management" officials, to enforce administrative measures. Civilian authorities maintained effective control of the security forces. Members of the security forces committed serious and pervasive abuses.

Genocide and crimes against humanity occurred during the year against the predominantly Muslim Uyghurs and other ethnic and religious minority groups in Xinjiang. These crimes were continuing and include: the arbitrary imprisonment or other severe deprivation of physical liberty of more than one million civilians; forced sterilization, coerced abortions, and more restrictive application of China's birth control policies; rape; torture of a large number of those arbitrarily detained; forced labor; and the imposition of draconian restrictions on freedom of religion or belief, freedom of expression, and freedom of movement.

Significant human rights issues included: arbitrary or unlawful killings by the government; forced disappearances by the government; torture by the government; harsh and life-threatening prison and detention conditions; arbitrary detention by the government, including the mass detention of more than one million Uyghurs and other members of predominantly Muslim minority groups in extrajudicial internment camps and an additional two million subjected to daytime-only "re-education" training; political prisoners; politically motivated reprisal against individuals outside the country; the lack of an independent judiciary and Communist Party control over the judicial and legal system; arbitrary interference

with privacy; pervasive and intrusive technical surveillance and monitoring; serious restrictions on free expression, the press, and the internet, including physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others as well as their family members, and censorship and site blocking; interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws that apply to foreign and domestic nongovernmental organizations; severe restrictions and suppression of religious freedom; substantial restrictions on freedom of movement; refoulement of asylum seekers to North Korea, where they have a well founded fear of persecution; the inability of citizens to choose their government; restrictions on political participation; serious acts of corruption; forced sterilization and coerced abortions; forced labor and trafficking in persons; severe restrictions on labor rights, including a ban on workers organizing or joining unions of their own choosing; and child labor.

Government officials and the security services often committed human rights abuses with impunity. Authorities often announced investigations following cases of reported killings by police but did not announce results or findings of police malfeasance or disciplinary action.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that the government or its agents committed arbitrary or unlawful killings. In many instances few or no details were available.

In Xinjiang there were reports of custodial deaths related to detentions in the internment camps. There were multiple reports from Uyghur family members who discovered their relatives had died while in internment camps or within weeks of their release. For example, in October the government formally confirmed to the United Nations the death of Abdulghafur Hapiz, a Uyghur man detained in a Xinjiang internment camp since 2017. The government claimed Hapiz died in 2018 of “severe pneumonia and tuberculosis.” His daughter said she last heard from Hapiz in 2016; sources reported he disappeared no later than 2017 and was held without charges in an internment camp.

Authorities executed some defendants in criminal proceedings following convictions that lacked due process and adequate channels for appeal. Official

figures on executions were classified as a state secret. According to the U.S.-based Dui Hua Foundation, the number of executions stabilized after years of decline following the reform of the capital punishment system initiated in 2007. Dui Hua reported that an increase in the number of executions for bosses of criminal gangs and individuals convicted of “terrorism” in Xinjiang likely offset the drop in the number of other executions.

### **b. Disappearance**

There were multiple reports authorities disappeared individuals and held them at undisclosed locations for extended periods.

The government conducted mass arbitrary detention of Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim and ethnic minority groups in Xinjiang. China Human Rights Defenders alleged these detentions amounted to enforced disappearance, since families were often not provided information about the length or location of the detention.

The exact whereabouts of Ekpar Asat, also known as Aikebaier Aisaiti, a Uyghur journalist and entrepreneur, remained unknown. He was reportedly detained in Xinjiang in 2016 after participating in a program in the United States and subsequently sentenced to up to 15 years in prison.

Authorities in Wuhan disappeared four citizen journalists, Chen Qiushi, Li Zehua, Zhang Zhan, and Fang Bin, who had interviewed health-care professionals and citizens and later publicized their accounts on social media in the midst of the COVID-19 outbreak and subsequent lockdown in Wuhan. While Li Zehua was released in April, Fang Bin’s and Chen Qiushi’s whereabouts were unknown at year’s end. Zhang Zhan was indicted on charges of “picking quarrels and provoking trouble,” and authorities tried and convicted her on December 28, sentencing her to four years’ imprisonment. She was the first known person to be tried and convicted for her coverage of the COVID-19 outbreak in Wuhan.

Human rights lawyer Gao Zhisheng, who has been disappeared on multiple occasions, has been missing since 2017.

The government still had not provided a comprehensive, credible accounting of all those killed, missing, or detained in connection with the violent suppression of the 1989 Tiananmen demonstrations. Many activists who were involved in the 1989 demonstrations and their family members continued to suffer official harassment.

The government made no efforts to prevent, investigate, or punish such harassment.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits the physical abuse and mistreatment of detainees and forbids prison guards from coercing confessions, insulting prisoners' dignity, and beating or encouraging others to beat prisoners. The law excludes evidence obtained through illegal means, including coerced confessions, in certain categories of criminal cases. There were credible reports that authorities routinely ignored prohibitions against torture, especially in politically sensitive cases.

Numerous former prisoners and detainees reported they were beaten, raped, subjected to electric shock, forced to sit on stools for hours on end, hung by the wrists, deprived of sleep, force fed, forced to take medication against their will, and otherwise subjected to physical and psychological abuse. Although prison authorities abused ordinary prisoners, they reportedly singled out political and religious dissidents for particularly harsh treatment.

In December 2019 human rights lawyer Ding Jiayi was detained on suspicion of "inciting subversion of state power" for participating in a meeting in Xiamen, Fujian Province, to organize civil society activities and peaceful resistance to Chinese Communist Party (CCP) rule. Ding's wife posted on Twitter that Ding was tortured in a detention center in Beijing, including being subjected to sleep deprivation tactics such as shining a spotlight on him 24 hours per day. As of December 2020, Ding remained in pretrial detention at Linshu Detention Center in Shandong Province.

Following her June 6 arrest, Zhang Wuzhou was tortured in the Qingxin District Detention Center in Qingyuan (Guangdong Province), according to her lawyer's July 22 account reported by Radio Free Asia. Zhang said that detention center authorities handcuffed her, made her wear heavy foot shackles, and placed her in a cell where other inmates beat her. The Qingyuan Public Security Bureau detained Zhang on charges of "provoking quarrels and stirring up troubles" two days after she held banners at Guangzhou Baiyun Mountains to mark the anniversary of the Tiananmen massacre.

In August an attorney for detained human rights activist and lawyer Yu Wensheng reported that Yu had been held incommunicado for 18 months before and after his

conviction in June of “inciting subversion of state power” for which he received a four-year sentence. Yu reported he was repeatedly sprayed with pepper spray and was forced to sit in a metal chair for an extended period of time.

On October 22, human rights lawyer Chang Weiping, known for his successful representation of HIV/AIDS discrimination cases, was put into “residential surveillance in a designated location” in Baoji City, Shanxi Province, after posting a video to YouTube detailing torture he suffered during a January detention. As of December, Chang was still under these restrictions and denied access to his family and lawyer.

Members of the minority Uyghur ethnic group reported systematic torture and other degrading treatment by law enforcement officers and officials working within the penal system and the internment camps. Survivors stated that authorities subjected individuals in custody to electric shock, waterboarding, beatings, rape, forced sterilization, forced prostitution, stress positions, forced administration of unknown medication, and cold cells (see section 6, Members of National/Racial/Ethnic Minorities).

There was no direct evidence of an involuntary or prisoner-based organ transplant system; however, activists and some organizations continued to accuse the government of forcibly harvesting organs from prisoners of conscience, including religious and spiritual adherents such as Falun Gong practitioners and Muslim detainees in Xinjiang. An NGO research report noted that public security and other authorities in Xinjiang have collected biometric data--including DNA, fingerprints, iris scans, and blood types--of all Xinjiang residents between 12 and 65 years of age, which the report said could indicate evidence of illicit organ trafficking. Some Xinjiang internment camp survivors reported that they were subjected to coerced comprehensive health screenings including blood and DNA testing upon entering the internment camps. There were also reports from former detainees that authorities forced Uyghur detainees to undergo medical examinations of thoracic and abdominal organs. The government continues to claim that it had ended the long-standing practice of harvesting the organs of executed prisoners for use in transplants in 2015.

The treatment and abuse of detainees under the *liuzhi* detention system, which operates outside the judicial system as a legal tool for the government and CCP to investigate corruption, featured custodial treatment such as extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in

uncomfortable positions for hours and sometimes days, according to press reports (see section 4).

The law states psychiatric treatment and hospitalization should be “on a voluntary basis,” but the law also allows authorities and family members to commit persons to psychiatric facilities against their will and fails to provide meaningful legal protections for persons sent to psychiatric facilities. The law does not provide for the right to a lawyer and restricts a person’s right to communicate with those outside the psychiatric institution.

Official media reported the Ministry of Public Security directly administered 23 psychiatric hospitals for the criminally insane. While many of those committed to mental health facilities were convicted of murder and other violent crimes, there were also reports of activists, religious or spiritual adherents, and petitioners involuntarily subjected to psychiatric treatment for political reasons. Public security officials may commit individuals to psychiatric facilities and force treatment for “conditions” that have no basis in psychiatry.

Impunity was a significant problem in the security forces, including the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice, which manages the prison system.

### **Prison and Detention Center Conditions**

Conditions in penal institutions for both political prisoners and criminal offenders were generally harsh and often life threatening or degrading.

Physical Conditions: Authorities regularly held prisoners and detainees in overcrowded conditions with poor sanitation. Food often was inadequate and of poor quality, and many detainees relied on supplemental food, medicines, and warm clothing provided by relatives when allowed to receive them. Prisoners often reported sleeping on the floor because there were no beds or bedding. In many cases provisions for sanitation, ventilation, heating, lighting, and access to potable water were inadequate.

The lack of adequate, timely medical care for prisoners remained a serious problem, despite official assurances prisoners have the right to prompt medical treatment. Prison authorities at times withheld medical treatment from political prisoners. Multiple nongovernmental organizations (NGOs) and news agencies

reported detainees at “re-education” centers or long-term extrajudicial detention centers became seriously ill or died.

Political prisoners were sometimes held with the general prison population and reported being beaten by other prisoners at the instigation of guards. Some reported being held in the same cells as death row inmates. In some cases authorities did not allow dissidents to receive supplemental food, medicine, and warm clothing from relatives.

Conditions in administrative detention facilities were similar to those in prisons. Deaths from beatings occurred in administrative detention facilities. Detainees reported beatings, sexual assaults, lack of proper food, and limited or no access to medical care.

In Xinjiang authorities expanded existing internment camps for Uyghurs, ethnic Kazakhs, and other Muslims. In some cases authorities used repurposed schools, factories, and prisons to hold detainees. According to Human Rights Watch, these camps focused on “military-style discipline and pervasive political indoctrination of the detainees.” Detainees reported pervasive physical abuse and torture in the camps and overcrowded and unsanitary conditions.

In August, Qelbinur Sedik, a former teacher at a women’s internment camp, reported approximately 10,000 women had their heads shaved and were forced to live in cramped, unsanitary conditions, injected with unknown substances without their permission, and required to take contraceptive pills issued by a birth-control unit. She reported women were raped and sexually abused on a daily basis by camp guards and said there was a torture room in the camp basement.

In October the government charged Yang Hengjun, an Australian author and blogger who encouraged democratic reform in China, with espionage. He was detained in January 2019 then formally arrested in August 2019. In a September message to his family, Yang said he had been interrogated more than 300 times, at all hours of day and night, for four to five hours at a time.

Administration: The law states letters from a prisoner to higher authorities of the prison or to the judicial organs shall be free from examination; it was unclear to what extent the law was implemented. While authorities occasionally investigated credible allegations of inhuman conditions, their results were not documented in a publicly accessible manner. Authorities denied many prisoners and detainees reasonable access to visitors and correspondence with family members. Some

family members did not know the whereabouts of their relatives in custody. Authorities also prevented many prisoners and detainees from engaging in religious practices or gaining access to religious materials.

Independent Monitoring: Authorities considered information about prisons and various other types of administrative and extralegal detention facilities to be a state secret, and the government did not permit independent monitoring.

#### **d. Arbitrary Arrest or Detention**

Arbitrary arrest and detention remained serious problems. The law grants public security officers broad administrative detention powers and the ability to detain individuals for extended periods without formal arrest or criminal charges. Lawyers, human rights activists, journalists, religious leaders and adherents, and former political prisoners and their family members continued to be targeted for arbitrary detention or arrest.

The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government generally did not observe this requirement.

The National Supervisory Commission-Central Commission for Discipline Inspection (NSC-CCDI; see section 4) official detention system, known as liuzhi, faced allegations of detainee abuse and torture. Liuzhi detainees are held incommunicado and have no recourse to appeal their detention. While detainee abuse is proscribed by the law, the mechanism for detainees to report abuse is unclear.

Although liuzhi operates outside the judicial system, confessions given while in liuzhi were used as evidence in judicial proceedings. According to 2019 press reports and an August 2019 NGO report, liuzhi detainees were subjected to extended solitary confinement, sleep deprivation, beatings, and forced standing or sitting in uncomfortable positions for hours and sometimes days.

There were no statistics available for the number of individuals in the liuzhi detention system nationwide. Several provinces, however, publicized these numbers, including Hubei with 1,095 and Zhejiang with 931 detained, both in 2019. One provincial official head of the liuzhi detention system stated suspects averaged 42.5 days in detention before being transferred into the criminal justice system.



On January 8, Guangzhou police detained Kwok Chun-fung, a Hong Kong student enrolled at the Guangzhou University of Chinese Medicine, on charges of “soliciting prostitution.” The university issued a statement on January 15 stating that Kwok was under suspicion of soliciting prostitution after being caught in a hotel room with a woman and outlined charges on two additional related offenses that allegedly occurred between November and December 2019. Kwok was cofounder of FindCMed, which provided medical help to injured protesters during Hong Kong’s antigovernment protests. A Hong Kong Baptist University instructor and Kwok’s associates said that the CCP habitually used “soliciting prostitution” as a charge to target opponents since police could detain a suspect administratively without court review. Local media and Kwok’s associates implied his detention was the People’s Republic of China (PRC) government’s retaliation against him for his role in the protests.

In September following her diagnosis with terminal lung cancer, authorities allowed Pu Wenqing, mother of Sichuan-based human rights activist Huang Qi, detained since 2016, to speak to her son in a 30-minute video call, the first contact with her son allowed to her after four years of trying. Pu remained under house arrest with no charges filed as of December. She had been disappeared in 2018 after plainclothes security personnel detained her at a Beijing train station. She had petitioned central authorities earlier in 2018 to release her detained son for health reasons and poor treatment within his detention center.

In a related case, Beijing authorities arbitrarily detained Zhang Baocheng, who had assisted and escorted the elderly Pu Wenqing around Beijing in 2018 as she sought to petition central authorities over her son’s detention. In December 2019 Beijing police charged Zhang, a former member of the defunct New Citizens Movement that campaigned for democracy and government transparency, with “picking quarrels, promoting terrorism, extremism, and inciting terrorism.” A Beijing court convicted him of “picking quarrels” and sentenced him in November to three and one-half years in prison, using his posts on Twitter as evidence against him.

In September, Hursan Hassan, an acclaimed Uyghur filmmaker, was sentenced to 15 years on the charge of “separatism.” Hassan had been held since 2018 arbitrarily without any contact with his family.

Following local resistance to a policy announced on August 26 mandating Mandarin be used for some school courses in Inner Mongolia in place of the Mongolian language, several prominent dissidents were either detained or held

incommunicado. Ethnic Mongolian writer Hada, who had already served a 15-year jail term for “espionage” and “separatism” and was under house arrest, was incommunicado as of December. His wife and child’s whereabouts were also unknown. Ethnic Mongolian musician Ashidaa, who participated in protests against the new language policy, was also detained, and family members and lawyers were not permitted to visit him.

### **Arrest Procedures and Treatment of Detainees**

Criminal detention beyond 37 days requires approval of a formal arrest by the procuratorate, but in cases pertaining to “national security, terrorism, and major bribery,” the law permits up to six months of incommunicado detention without formal arrest. After formally arresting a suspect, public security authorities are authorized to detain a suspect for up to an additional seven months while the case is investigated.

After the completion of an investigation, the procuratorate may detain a suspect an additional 45 days while determining whether to file criminal charges. If charges are filed, authorities may detain a suspect for an additional 45 days before beginning judicial proceedings. Public security officials sometimes detained persons beyond the period allowed by law, and pretrial detention periods of a year or longer were common.

The law stipulates detainees be allowed to meet with defense counsel before criminal charges are filed. The criminal procedure law requires a court to provide a lawyer to a defendant who has not already retained one; is blind, deaf, mute, or mentally ill; is a minor; or faces a life sentence or the death penalty. This law applies whether or not the defendant is indigent. Courts may also provide lawyers to other criminal defendants who cannot afford them, although courts often did not do so. Lawyers reported significant difficulties meeting their clients in detention centers, especially in cases considered politically sensitive.

Criminal defendants are entitled to apply for bail (also translated as “a guarantor pending trial”) while awaiting trial, but the system did not operate effectively, and authorities released few suspects on bail.

The law requires notification of family members within 24 hours of detention, but authorities often held individuals without providing such notification for significantly longer periods, especially in politically sensitive cases. In some cases notification did not occur. Under a sweeping exception, officials are not required

to provide notification if doing so would “hinder the investigation” of a case. The criminal procedure law limits this exception to cases involving state security or terrorism, but public security officials have broad discretion to interpret these provisions.

Under certain circumstances the law allows for residential surveillance in the detainee’s home, rather than detention in a formal facility. With the approval of the next-higher-level authorities, officials also may place a suspect under “residential surveillance at a designated location” for up to six months when they suspect crimes of endangering state security, terrorism, or serious bribery and believe surveillance at the suspect’s home would impede the investigation. Authorities may also prevent defense lawyers from meeting with suspects in these categories of cases. Human rights organizations and detainees reported the practice of residential surveillance at a designated location left detainees at a high risk for torture, since being neither at home nor in a monitored detention facility reduced opportunities for oversight of detainee treatment and mechanisms for appeal.

Authorities used administrative detention to intimidate political and religious advocates and to prevent public demonstrations. Forms of administrative detention included compulsory drug rehabilitation treatment (for drug users), “custody and training” (for minor criminal offenders), and “legal education” centers for political activists and religious adherents, particularly Falun Gong practitioners. The maximum stay in compulsory drug rehabilitation centers is two years, including commonly a six-month stay in a detoxification center. The government maintained similar rehabilitation centers for those charged with prostitution and with soliciting prostitution.

Arbitrary Arrest: Authorities detained or arrested persons on allegations of revealing state secrets, subversion, and other crimes as a means to suppress political dissent and public advocacy. These charges, as well as what constitutes a state secret, remained ill defined, and any piece of information could be retroactively designated a state secret. Authorities also used the vaguely worded charges of “picking quarrels and provoking trouble” broadly against many civil rights advocates. It is unclear what this term means. Authorities also detained citizens and foreigners under broad and ambiguous state secret laws for, among other actions, disclosing information on criminal trials, commercial activity, and government activity. A counterespionage law grants authorities the power to require individuals and organizations to cease any activities deemed a threat to national security. Failure to comply could result in seizure of property and assets.

There were multiple reports authorities arrested or detained lawyers, religious leaders or adherents, petitioners, and other rights advocates for lengthy periods, only to have the charges later dismissed for lack of evidence. Authorities subjected many of these citizens to extralegal house arrest, denial of travel rights, or administrative detention in different types of extralegal detention facilities, including “black jails.” In some cases public security officials put pressure on schools not to allow the children of prominent political detainees to enroll. Conditions faced by those under house arrest varied but sometimes included isolation in their homes under guard by security agents. Security officials were frequently stationed inside the homes. Authorities placed many citizens under house arrest during sensitive times, such as during the visits of senior foreign government officials, annual plenary sessions of the National People’s Congress (NPC), the anniversary of the Tiananmen massacre, and sensitive anniversaries in Tibetan areas and Xinjiang. Security agents took some of those not placed under house arrest to remote areas on so-called forced vacations.

In February a Ningbo court sentenced Swedish citizen bookseller and Hong Kong resident Gui Minhai to 10 years’ imprisonment for “providing intelligence overseas;” the court said Gui pled guilty. Gui went missing from Thailand in 2015, was released by Chinese authorities in 2017, and was detained again in 2018 while traveling on a train to Beijing, initially for charges related to “illegal business operations.” The Ningbo court said that Gui’s PRC citizenship had been reinstated in 2018 after he allegedly applied to regain PRC nationality.

In May, Nanning authorities tried Qin Yongpei behind closed doors, not allowing his lawyer to attend; as of December there was no update on the trial’s outcome. Qin was detained in October 2019 then formally arrested on charges of “inciting subversion of state power.” He remained in Nanning No. 1 Detention Center. His lawyer, who was not allowed to see Qin until shortly before the trial, said Qin had suffered poor conditions in detention--no bed, insufficient food, sleep deprivation, and extreme indoor heat and humidity in the summers. Authorities continued to block Qin’s wife from communicating or visiting him in prison while local police intimidated their daughters. Qin had worked on several human rights cases, including those of “709” lawyers (the nationwide government crackdown on human rights lawyers and other rights advocates that began on July 9, 2015) and Falun Gong practitioners, assisted many indigent and vulnerable persons, and publicized misconduct by high-level government and CCP officials. He was disbarred in 2018 after having practiced law since the mid-1990s. After being disbarred, Qin founded the China Lawyers’ Club to employ disbarred lawyers.

Pretrial Detention: Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. From 2015 to 2018, authorities held many of the “709” detainees and their defense attorneys in pretrial detention for more than a year without access to their families or their lawyers. Statistics were not published or made publicly available, but lengthy pretrial detentions were especially common in cases of political prisoners.

At year’s end Beijing-based lawyer Li Yuhan, who defended human rights lawyers during the “709” crackdown, remained in detention at the Shenyang Detention Center; she has been held since 2017 and charged with “picking quarrels and provoking trouble.” Due to her poor health, Li’s attorney submitted multiple requests to Shenyang authorities to release her on medical parole, but each time her request was denied without reason or hearing. Following a January 8 meeting, Li’s lawyer said she was suffering from various medical conditions and applied for bail, but the court rejected her application. Since their January 8 meeting, authorities blocked the lawyer’s access to Li citing COVID-19 concerns. Li’s trial was postponed repeatedly.

On August 14, the Shenyang Tiexi District Court sentenced human rights advocate Lin Mingjie to a total of five years and six months in prison and a 20,000 renminbi (almost \$3,000); an appeal was pending at year’s end. Lin had been detained in 2016 for assembling a group of demonstrators in front of the Ministry of Public Security in Beijing to protest Shenyang Public Security Bureau Director Xu Wenyou’s abuse of power. In 2018 Lin was sentenced to two years and six months in prison, including time served, and was reportedly released in April 2019, although his attorney had neither heard from him nor knew his whereabouts. In September 2019 police reportedly detained Lin again for “picking quarrels and provoking disturbance.” Police also detained Lin Mingjie’s brother, Lin Minghua, for “provoking disturbance” in 2016. The Tiexi District Court sentenced Lin Minghua to three years in prison. The authorities did not disclose the details of the case, including the types of “disturbance” of which the two brothers were accused.

#### **e. Denial of Fair Public Trial**

Although the law states the courts shall exercise judicial power independently, without interference from administrative organs, social organizations, and individuals, the judiciary did not exercise judicial power independently. Judges regularly received political guidance on pending cases, including instructions on how to rule, from both the government and the CCP, particularly in politically

sensitive cases. The CCP Central Political and Legal Affairs Commission have the authority to review and direct court operations at all levels of the judiciary. All judicial and procuratorate appointments require approval by the CCP Organization Department.

Corruption often influenced court decisions, since safeguards against judicial corruption were vague and poorly enforced. Local governments appointed and paid local court judges and, as a result, often exerted influence over the rulings of those judges.

A CCP-controlled committee decided most major cases, and the duty of trial and appellate court judges was to craft a legal justification for the committee's decision.

Courts are not authorized to rule on the constitutionality of legislation. The law permits organizations or individuals to question the constitutionality of laws and regulations, but a constitutional challenge may be directed only to the promulgating legislative body. Lawyers had little or no opportunity to rely on constitutional claims in litigation.

Media sources indicated public security authorities used televised confessions of lawyers, foreign and domestic bloggers, journalists, and business executives in an attempt to establish guilt before their criminal trial proceedings began. In some cases these confessions were likely a precondition for release. NGOs asserted such statements were likely coerced, perhaps by torture, and some detainees who confessed recanted upon release and confirmed their confessions had been coerced. No provision in the law allows the pretrial broadcast of confessions by criminal suspects.

In July the United Kingdom broadcasting regulator found in its formal investigation that China Global Television Network, the international news channel of China Central Television, broadcast in 2013 and 2014 a confession forced from a British private investigator imprisoned in China. China Global Television Network faced potential statutory sanctions in the United Kingdom.

“Judicial independence” remained one of the subjects the CCP reportedly ordered university professors not to discuss (see section 2.a., Academic Freedom and Cultural Events).

## **Trial Procedures**

Although the law reaffirms the presumption of innocence, the criminal justice system remained biased toward a presumption of guilt, especially in high-profile or politically sensitive cases.

Courts often punished defendants who refused to acknowledge guilt with harsher sentences than those who confessed. The appeals process rarely reversed convictions, and it failed to provide sufficient avenues for review; remedies for violations of defendants' rights were inadequate.

Regulations of the Supreme People's Court require trials to be open to the public, with the exception of cases involving state secrets, privacy issues, minors, or on the application of a party to the proceedings, commercial secrets. Authorities used the state secrets provision to keep politically sensitive proceedings closed to the public, sometimes even to family members, and to withhold a defendant's access to defense counsel. Court regulations state foreigners with valid identification should be allowed to observe trials under the same criteria as citizens, but in practice foreigners were permitted to attend court proceedings only by invitation. As in past years, authorities barred foreign diplomats and journalists from attending several trials. In some instances authorities reclassified trials as "state secrets" cases or otherwise closed them to the public.

Regulations require the release of court judgments online and stipulate court officials should release judgments, with the exception of those involving state secrets and juvenile suspects, within seven days of their adoption. Courts did not post all judgments. They had wide discretion not to post if they found posting the judgment could be considered "inappropriate." Many political cases did not have judgments posted.

Individuals facing administrative detention do not have the right to seek legal counsel. Criminal defendants are eligible for legal assistance, but the vast majority of criminal defendants went to trial without a lawyer.

Lawyers are required to be members of the CCP-controlled All China Lawyers Association, and the Ministry of Justice requires all lawyers to pledge their loyalty to the leadership of the CCP upon issuance or annual renewal of their license to practice law. The CCP continued to require law firms with three or more party members to form a CCP unit within the firm.

Despite the government's stated efforts to improve lawyers' access to their clients, in 2017 the head of the All China Lawyers Association told *China Youth Daily* that defense attorneys had taken part in less than 30 percent of criminal cases. In particular, human rights lawyers reported authorities did not permit them to defend certain clients or threatened them with punishment if they chose to do so. Some lawyers declined to represent defendants in politically sensitive cases, and such defendants frequently found it difficult to find an attorney. In some instances authorities prevented defendant-selected attorneys from taking the case and instead appointed their own attorney.

The government suspended or revoked the business licenses or law licenses of some lawyers who took on sensitive cases, such as defending prodemocracy dissidents, house-church activists, Falun Gong practitioners, or government critics. Authorities used the annual licensing review process administered by the All China Lawyers Association to withhold or delay the renewal of professional lawyers' licenses. In August the Hunan provincial justice department revoked the license for human rights lawyer Xie Yang for his 2017 conviction for "inciting subversion of state power." Xie said the revocation did not follow proper administrative processes and the complaint against was without proper merits. Xie was a "709" detainee and restarted his law practice soon after his release from prison in 2017.

Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detention, vague "investigations" of legal offices, disbarment, harassment and physical intimidation, and denial of access to evidence and to clients.

The law governing the legal profession criminalizes attorneys' actions that "insult, defame, or threaten judicial officers," "do not heed the court's admonition," or "severely disrupt courtroom order." The law also criminalizes disclosing client or case information to media outlets or using protests, media, or other means to influence court decisions. Violators face fines and up to three years in prison.

Regulations also state detention center officials should either allow defense attorneys to meet suspects or defendants or explain why the meeting cannot be arranged at that time. The regulations specify that a meeting should be arranged within 48 hours. Procuratorates and courts should allow defense attorneys to access and read case files within three working days. The time and frequency of opportunities available for defense attorneys to read case files shall not be limited, according to the guidelines. In some sensitive cases, lawyers had no pretrial access to their clients and limited time to review evidence, and defendants and lawyers



were not allowed to communicate with one another during trials. In contravention of the law, criminal defendants frequently were not assigned an attorney until a case was brought to court. The law stipulates the spoken and written language of criminal proceedings shall be conducted in the language common to the specific locality, with government interpreters providing language services for defendants not proficient in the local language. Observers noted trials were predominantly conducted in Mandarin Chinese, even in non-Mandarin-speaking areas, with interpreters provided for defendants who did not speak the language.

Mechanisms allowing defendants to confront their accusers were inadequate. Only a small percentage of trials reportedly involved witnesses. Judges retained significant discretion over whether live witness testimony was required or even allowed. In most criminal trials, prosecutors read witness statements, which neither the defendants nor their lawyers had an opportunity to rebut through cross-examination. Although the law states pretrial witness statements cannot serve as the sole basis for conviction, prosecutors relied heavily on such statements. Defense attorneys had no authority to compel witnesses to testify or to mandate discovery, although they could apply for access to government-held evidence relevant to their case.

Under the law lawyers are assigned to convicted prisoners on death row who cannot afford one during the review of their sentences.

In May labor activists Wu Guijun, Zhang Zhiru, He Yuancheng, Jian Hui, and Song Jiahui were released after being sentenced to suspended jail terms of two to four years in a closed-door trial. They were detained in January 2019 on the charge of “disrupting social order;” according to media Zhang and Wu were prevented from hiring lawyers.

In September, three public interest lawyers--Cheng Yuan, Liu Yongze, and Wu Gejianxiong, also known as the “Changsha Three”--were tried without notice to family or their lawyers on suspicion of “subversion of state power.” The lawyers worked for Changsha Funeng, an organization that litigated cases to end discrimination against persons with disabilities and carriers of HIV and hepatitis B. Cheng Yuan had also worked on antitorture programs, litigation to end the country’s one-child policy, and reform for household registration laws. The details of the trial and its outcome remained unknown as year’s end.

## **Political Prisoners and Detainees**

Government officials continued to deny holding any political prisoners, asserting persons were detained not for their political or religious views but because they had violated the law. Authorities, however, continued to imprison citizens for reasons related to politics and religion. Human rights organizations estimated tens of thousands of political prisoners remained incarcerated, most in prisons and some in administrative detention. The government did not grant international humanitarian organizations access to political prisoners.

Authorities granted political prisoners early release at lower rates than other prisoners. Thousands of persons were serving sentences for political and religious offenses, including for “endangering state security” and carrying out “cult activities.” The government neither reviewed the cases of those charged before 1997 with counterrevolution and hooliganism nor released persons imprisoned for nonviolent offenses under repealed provisions.

Many political prisoners remained either in prison or under other forms of detention after release at year’s end, including writer Yang Maodong (pen name: Guo Feixiong); Uyghur scholars Ilham Tohti and Rahile Dawut; activists Wang Bingzhang, Chen Jianfang, and Huang Qi; Taiwan prodemocracy activist Lee Ming-Che; pastors Zhang Shaojie and Wang Yi; Falun Gong practitioner Bian Lichao; Catholic Auxiliary Bishop of Shanghai Thaddeus Ma Daqin; rights lawyers Xia Lin, Gao Zhisheng, Xu Zhiyong, and Yu Wensheng; blogger Wu Gan; and Shanghai labor activist Jiang Cunde.

Criminal punishments included “deprivation of political rights” for a fixed period after release from prison, during which an individual could be denied rights of free speech, association, and publication. Former prisoners reported their ability to find employment, travel, obtain residence permits and passports, rent residences, and access social services was severely restricted.

Authorities frequently subjected former political prisoners and their families to surveillance, telephone wiretaps, searches, and other forms of harassment or threats. For example, security personnel followed the family members of detained or imprisoned rights activists to meetings with foreign reporters and diplomats and urged the family members to remain silent about the cases of their relatives. Authorities barred certain members of the rights community from meeting with visiting dignitaries.

## **Politically Motivated Reprisal against Individuals Located Outside the Country**

There were credible reports the government attempted to misuse international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country. There also were credible reports that for politically motivated purposes, the government attempted to exert bilateral pressure on other countries aimed at having them take adverse action against specific individuals.

Reports continued throughout the year regarding PRC pressure on Xinjiang-based relatives of persons located outside China who spoke publicly about the detentions and abusive policies underway inside Xinjiang. In Kazakhstan media reported that Kazakh authorities temporarily detained Aqiqat Qaliolla and Zhenis Zarqyn for their protests in front of the PRC embassy regarding lost family members in Xinjiang “re-education” camps.

PRC state media also released videos of Xinjiang-based ethnic and religious minorities to discredit their overseas relatives’ accounts to foreign media. The persons in the videos urged their foreign-based family members to stop “spreading rumors” about Xinjiang. The overseas relatives said they had lost communication with their Xinjiang relatives until the videos were released.

In July, the PRC state publication *China Daily*, which targets foreign audiences, challenged the account of a foreign citizen, Ferkat Jawdat, who was called by his mother in May 2019 after having lost contact with her because she was in an internment camp and urged to stop his activism and media interviews; the article said Ferkat’s mother was “living a normal life in Xinjiang and has regular contact with him.” In July, *China Daily* also contradicted the 2019 account of another Uyghur individual, Zumrat Dawut, regarding her elderly father’s death, saying he was not detained and interrogated but died in a hospital beside her older brothers and other family members. Relatives of Dawut joined in a video in November 2019 urging her to stop “spreading rumors.” Overseas-based relatives said the PRC government coerced their family members to produce such videos.

In July a Chinese activist living in Australia on a temporary work visa told SBS World News that the government tracked and harassed her and her family in an attempt to silence her. The activist, who goes by Zoo or Dong Wuyuan, ran a Twitter account that made fun of Xi Jinping and previously had organized rallies in memory of Li Wenliang, the doctor who died after being one of the first to warn the world about COVID-19. She reported her parents were taken to a police station in China on a weekly basis to discuss her online activities. A video showed

a police officer in the presence of Zoo's father telling her, "Although you are [in Australia], you are still governed by the law of China, do you understand?"

In September an Inner Mongolian living in Australia on a temporary visa reported receiving a threatening call from Chinese officials stating that he would be removed from Australia if he spoke openly about changes to language policy in China.

Even those not vocal about Xinjiang faced PRC pressure to provide personal information to PRC officials or return to Xinjiang. Yunus Tohti was a student in Egypt when PRC police contacted him through social media, asked when he would return to Xinjiang, and ordered him to provide personal details such as a copy of his passport. Yunus then fled from Egypt to Turkey and later arrived in the Netherlands. Police in Xinjiang called Yunus' older brother in Turkey, told him they were standing next to his parents, and said he should return to Xinjiang, which he understood to be threat against his parents' safety. Yunus Tohti subsequently lost contact with his family in Xinjiang and worried that they may have been detained.

### **Civil Judicial Procedures and Remedies**

Courts deciding civil matters faced the same limitations on judicial independence as criminal courts. The law provides administrative and judicial remedies for plaintiffs whose rights or interests government agencies or officials have infringed. The law also allows compensation for wrongful detention, mental trauma, or physical injuries inflicted by detention center or prison officials.

Although historically citizens seldom applied for state compensation because of the high cost of bringing lawsuits, low credibility of courts, and citizens' general lack of awareness of the law, there were instances of courts overturning wrongful convictions. Official media reported that in October, Jin Zhehong was awarded 4.96 million renminbi (\$739,000) in compensation for 23 years spent behind bars following an overturned conviction for intentional homicide. The Jilin High People's Court in an appeal hearing ruled the evidence was insufficient to prove the initial conviction. Jin had originally applied for more than 22 million renminbi (three million dollars) in total compensation after he was freed.

The law provides for the right of an individual to petition the government for resolution of grievances. Most petitions address grievances regarding land, housing, entitlements, the environment, or corruption, and most petitioners sought

to present their complaints at local “letters and visits” offices. The government reported approximately six million petitions were submitted every year; however, persons petitioning the government continued to face restrictions on their rights to assemble and raise grievances.

While the central government prohibits blocking or restricting “normal petitioning” and unlawfully detaining petitioners, official retaliation against petitioners continued. Regulations encourage handling all litigation-related petitions at the local level through local or provincial courts, reinforcing a system of incentives for local officials to prevent petitioners from raising complaints to higher levels. Local officials sent security personnel to Beijing to force petitioners to return to their home provinces to prevent them from filing complaints against local officials with the central government. Such detentions often went unrecorded and often resulted in brief periods of incarceration in extralegal “black jails.”

In September relatives of Guo Hongwei, a resident of Jilin City, visited him in prison and reported that Hongwei was physically abused, poorly fed, and suffering unfair mistreatment by prison authorities. He was first arrested and jailed in 2004 for engaging in an “economic dispute” with the Jilin Electronic Hospital. After his release, Hongwei complained to authorities regarding the “unjust treatment” he suffered from the courts and others involved in his case, and he petitioned officials to expunge his prison records and allow him to return to his previous employment. His father said Hongwei appealed his case for years after being released, but authorities ignored his request and at times violently beat Hongwei in their attempt to stop him from appealing, leaving him physically disabled and unable to walk. Despite severe harassment by Jilin security authorities, Hongwei continued to press his case with help from his mother. In 2015 Siping city police reportedly arrested Hongwei and his mother Yunling for “picking quarrels and provoking trouble” and “blackmailing the government.” Hongwei was sentenced to 13 years and Yunling to six years and four months in prison. After Yunling and Hongwei were imprisoned, Hongwei’s sister and Yunling’s daughter--Guo Hongying--began to appeal their cases to the authorities. After being detained in 2018, in April 2019 Hongying was sentenced to four years in prison for “picking quarrels and provoking trouble” and 18 months for “hindering public affairs.” Yunling was released at the end of 2019; Hongwei and Hongying remained in prison.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law states the “freedom and privacy of correspondence of citizens are protected by law,” but authorities often did not respect the privacy of citizens. On May 28, the government passed a new civil code scheduled to enter into force on January 1, 2021, that introduces articles on the right to privacy and personal information protection. Although the law requires warrants before officers can search premises, officials frequently ignored this requirement. The Public Security Bureau and prosecutors are authorized to issue search warrants on their own authority without judicial review. There continued to be reports of cases of forced entry by police officers.

Authorities monitored telephone calls, text messages, faxes, email, instant messaging, and other digital communications intended to remain private. Authorities also opened and censored domestic and international mail. Security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. Foreign journalists leaving the country found some of their personal belongings searched. In some cases, when material deemed politically sensitive was uncovered, the journalists had to sign a statement stating they would “voluntarily” leave these documents in the country.

According to Civil Rights and Livelihood Watch, a website focusing on human rights in China, Lin Xiaohua began appealing the case for the bribery conviction of his older brother Lin Xiaonan, the former mayor of Fu’an City, Fujian Province. In June, Xiaohua tried to send petition letters and case files to the Supreme People’s Procuratorate, the Supreme People’s Court, and the National Commission of Supervision-CCP Central Discipline Inspection Commission, but the post office opened all the letters then refused to deliver them. In July the Xiamen Culture and Tourism Administration confiscated the letters and files, stating they were “illegal publications.”

According to Freedom House, rapid advances in surveillance technology-- including artificial intelligence, facial recognition, and intrusive surveillance apps-- coupled with growing police access to user data helped facilitate the prosecution of prominent dissidents as well as ordinary users. A Carnegie Endowment report in 2019 noted the country was a major worldwide supplier of artificial-intelligence surveillance technology, such as facial recognition systems, smart city/safe city platforms, and smart policing technology.

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the general public. Human rights groups stated authorities increasingly relied on the cameras and other

forms of surveillance to monitor and intimidate political dissidents, religious leaders and adherents, Tibetans, and Uyghurs. These included facial recognition and “gait recognition” video surveillance, allowing police not only to monitor a situation but also to quickly identify individuals in crowds. December media reports said Chinese technology companies developed artificial intelligence, surveillance, and other technological capabilities to help police identify ethnic minorities, especially Uyghurs. The media sources cited public-facing websites, company documents, and programming language from firms such as Huawei, Megvii, and Hikvision related to their development of a “Uyghur alarm” that could alert police automatically. Huawei denied its products were designed to identify ethnic groups. The monitoring and disruption of telephone and internet communications were particularly widespread in Xinjiang and Tibetan areas. The government installed surveillance cameras in monasteries in the Tibetan Autonomous Region (TAR) and Tibetan areas outside the TAR (see Special Annex, Tibet). The law allows security agencies to cut communication networks during “major security incidents.”

According to Human Rights Watch, the Ministry of State Security partnered with information technology firms to create a “mass automated voice recognition and monitoring system,” similar to ones already in use in Xinjiang and Anhui, to help with solving criminal cases. According to one company involved, the system was programmed to understand Mandarin Chinese and certain minority languages, including Tibetan and Uyghur. In many cases other biometric data such as fingerprints and DNA profiles were being stored as well. This database included information obtained not just from criminals and criminal suspects but also from entire populations of migrant workers and all Uyghurs applying for passports.

Forced relocation because of urban development continued in some locations. Protests over relocation terms or compensation were common, and authorities prosecuted some protest leaders. In rural areas infrastructure and commercial development projects resulted in the forced relocation of thousands of persons.

Property-related disputes between citizens and government authorities sometimes turned violent. These disputes frequently stemmed from local officials’ collusion with property developers to pay little or no compensation to displaced residents, combined with a lack of effective government oversight or media scrutiny of local officials’ involvement in property transactions, as well as a lack of legal remedies or other dispute resolution mechanisms for displaced residents. The problem persisted despite central government claims it had imposed stronger controls over illegal land seizures and taken steps to standardize compensation.

Government authorities also could interfere in families' living arrangements when a family member was involved in perceived sensitive political activities. In August, Lu Lina, wife of dissident and rights activist Liu Sifang, used Liu's Twitter account to document how her landlord in Chancheng District, Foshan city, Guangdong Province, under an order from local police, asked her to move out of the apartment. Approximately 10 days prior, her child had been expelled from school. Liu Sifang joined the "Xiamen meeting" at the end of 2019 with other citizen activists and organizers. In January police arrested many of the individuals who attended that meeting. Liu was abroad at year's end.

The government at various levels and jurisdictions continued to implement two distinct types of social credit systems. The first, the corporate social credit system, is intended to track and prevent corporate malfeasance. The second, the personal social credit system, is implemented differently depending on geographic location. Although often generically referred to as the country's "social credit system," these two systems collect vast amounts of data from companies and individuals in an effort to address deficiencies in "social trust," strengthen access to financial credit instruments, and reduce corruption. As such, the social credit system often collected information on academic records, traffic violations, social media presence, friendships, adherence to birth control regulations, employment performance, consumption habits, and other topics.

Although the government's goal is to create a unified government social credit system, there continued to be dozens of disparate social credit systems, operated distinctly at the local, provincial, and the national government levels, as well as separate "private" social credit systems operated by several technology companies. For example, there were reports in which individuals were not allowed to ride public transportation for periods of time because they allegedly had not paid for train tickets.

Industry and business experts commented that in its present state, the social credit system was not used to target companies or individuals for their political or religious beliefs, noting the country already possessed other tools outside of the social credit system to target companies and individuals. The collection of vast amounts of personal data combined with the prospect of a future universal and unified social credit system, however, could allow authorities to control further the population's behaviors.



In a separate use of social media for censorship, human rights activists reported authorities questioned them about their participation in human rights-related chat groups, including on WeChat and WhatsApp. Authorities monitored the groups to identify activists, which led to users' increased self-censorship on WeChat as well as several separate arrests of chat group administrators.

The government continued to use the “double-linked household” system in Xinjiang developed through many years of use in Tibet. This system divides towns and neighborhoods into units of 10 households each, with the households in each unit instructed to watch over each other and report on “security issues” and poverty problems to the government, thus turning average citizens into informers. In Xinjiang the government also continued to require Uyghur families to accept government “home stays,” in which officials or volunteers forcibly lived in Uyghurs' homes and monitored families' observance of religion for signs of “extremism.” Those who exhibited behaviors the government considered to be signs of “extremism,” such as praying, possessing religious texts, or abstaining from alcohol or tobacco, could be detained in “re-education camps.”

The government restricted the right to have children (see section 6, Women).

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution states citizens “enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.” Authorities limited and did not respect these rights, however, especially when their exercise conflicted with CCP interests. Authorities continued to impose ever tighter control of all print, broadcast, electronic, and social media and regularly used them to propagate government views and CCP ideology. Authorities censored and manipulated the press, social media, and the internet, particularly around sensitive anniversaries and topics such as public health.

Freedom of Speech: Citizens could discuss some political topics privately and in small groups without official punishment. Authorities, however, routinely took harsh action against citizens who questioned the legitimacy of the CCP or criticized President Xi's leadership. Some independent think tanks, study groups, and seminars reported pressure to cancel sessions on sensitive topics. Many others confirmed authorities regularly warned them against meeting with foreign reporters

or diplomats, and to avoid participating in diplomatic receptions or public programs organized by foreign entities.

Those who made politically sensitive comments in public speeches, academic discussions, or remarks to media, or posted sensitive comments online, remained subject to punitive measures, as did members of their family. In addition an increase in electronic surveillance in public spaces, coupled with the movement of many citizens' routine interactions to the digital space, signified the government was monitoring an increasing percentage of daily life. Conversations in groups or peer-to-peer on social media platforms and via messaging applications were subject to censorship, monitoring, and action from the authorities. An increasing threat of peer-to-peer observation and possible referral to authorities further eroded freedom of speech.

In January the China Independent Film Festival, established in Nanjing in 2003, abruptly suspended operations, citing challenges to its editorial independence. Over its history the festival shared documentaries that addressed topics the authorities considered politically sensitive, including the forced relocation of local communities for largescale development projects.

In April authorities sentenced Chen Jieren, an anticorruption blogger, to 15 years in prison for “picking quarrels and provoking trouble,” extortion, blackmail, and bribery. Chen, a former state media journalist, was detained in 2018 after he accused several Hunan party officials of corruption in his personal blog.

On September 22, a Beijing court sentenced outspoken CCP critic Ren Zhiqiang to 18 years' imprisonment and a fine of more than four million renminbi (\$600,000) for his convictions on multiple charges including corruption, bribery, embezzlement of funds, and abuse of power by a state-owned enterprise official. In February, Ren published an essay online criticizing the CCP's COVID-19 response. While not mentioning President Xi by name, Ren wrote that he saw “a clown stripped naked who insisted on continuing being called emperor.” Ren was detained in March. His case was largely viewed not as a corruption case, but as a crackdown for his critical public comments against Xi.

Authorities arrested or detained countless citizens for “spreading fake news,” “illegal information dissemination,” or “spreading rumors online.” These claims ranged from sharing political views or promoting religious extremism to sharing factual reports on public health concerns, including COVID-19. From January 1 to March 26 alone, NGO China Human Rights Defenders documented 897 cases of

Chinese internet users targeted by police for their information sharing or online comments related to COVID-19. Based on research conducted by *China Digital Times*, during the same period authorities charged 484 persons with criminal acts for making public comments about the COVID-19 crisis.

This trend remained particularly apparent in Xinjiang, where the government imposed a multifaceted system of physical and cyber controls to stop individuals from expressing themselves or practicing their religion or traditional beliefs. Beyond the region's expansive system of internment camps, the government and the CCP implemented a system to limit in-person and online speech. In Xinjiang police regularly stopped Muslims and members of non-Han ethnic minorities and demanded to review their cell phones for any evidence of communication deemed inappropriate.

During the year the government significantly extended the automation of this system, using phone apps, cameras, and other electronics to monitor all speech and movement. Authorities in Xinjiang built a comprehensive database that tracked the movements, mobile app usage, and even electricity and gasoline consumption of inhabitants in the region.

The government also sought to limit criticism of their Xinjiang policies even outside the country, disrupting academic discussions and intimidating human rights advocates across the world. Government officials in Xinjiang detained the relatives of several overseas activists.

Numerous ethnic Uyghurs and Kazakhs living overseas were intimidated into silence by government officials making threats against members of their family who lived in China, threats sometimes delivered in China to the relatives, and sometimes delivered by Chinese government officials in the foreign country.

The government increasingly moved to restrict the expression of views it found objectionable even when those expressions occurred abroad. Online the government expanded attempts to control the global dissemination of information while also exporting its methods of electronic information control to other nations' governments. During the year there was a rise in reports of journalists in foreign countries and ethnic Chinese living abroad experiencing harassment by Chinese government agents due to their criticisms of PRC politics. This included criticisms posted on platforms such as Twitter that were blocked within China.

The government sought to limit freedom of speech in online gaming platforms. The popular Chinese-made online game Genshin Impact censored the words “Taiwan” and “Hong Kong” among others in its in-game chat program. Users noted the program’s censorship covered all users, regardless of the country of citizenship or where the game was being played.

Freedom of Press and Media, Including Online Media: The CCP and government continued to maintain ultimate authority over all published, online, and broadcast material. Officially only state-run media outlets have government approval to cover CCP leaders or other topics deemed “sensitive.” While it did not dictate all content to be published or broadcast, the CCP and the government had unchecked authority to mandate if, when, and how particular issues were reported or to order they not be reported at all. The government’s propaganda department issued daily guidance on what topics should be promoted in all media outlets and how those topics should be covered. Chinese reporters working for private media companies confirmed increased pressure to conform to government requirements on story selection and content.

The Cyberspace Administration of China (CAC) directly manages internet content, including online news media, and promotes CCP propaganda. One of the CCP propaganda department deputy ministers ran the organization’s day-to-day operations. It enjoyed broad authority in regulating online media practices and played a large role in regulating and shaping information dissemination online.

The CCP continued to monitor and control the use of non-Mandarin languages in all media within the country. In April live streamers working in the southern part of the country accused Douyin, the Chinese version of TikTok, of suspending users who spoke Cantonese on its livestreaming platform. One user who regularly used Cantonese in his livestream programs said he had received three short suspensions for “using language that cannot be recognized.” He noted the app included automatic guidelines prompting users to speak Mandarin “as much as possible.”

All books and magazines continued to require state-issued publication numbers, which were expensive and often difficult to obtain. As in the past, nearly all print and broadcast media as well as book publishers were affiliated with the CCP or the government. There were a small number of print publications with some private ownership interest but no privately owned television or radio stations. The CCP directed the domestic media to refrain from reporting on certain subjects, and traditional broadcast programming required government approval.

Journalists operated in an environment tightly controlled by the government. Only journalists with official government accreditation were allowed to publish news in print or online. The CCP constantly monitored all forms of journalist output, including printed news, television reporting, and online news, including livestreaming. Journalists and editors self-censored to stay within the lines dictated by the CCP, and they faced increasingly serious penalties for crossing those lines, which could be opaque. While the country's increasingly internet-literate population demanded interesting stories told with the latest technologies, government authorities asserted control over technologies such as livestreaming and continued to pressure on digital outlets and social media platforms.

Because the CCP does not consider internet news companies “official” media, they are subject to debilitating regulations and barred from reporting on potentially “sensitive” stories.

Wei Zhili, editor of the citizen media magazine *New Generation* and a labor rights activist, and his colleague Ke Chengbing remained in detention on charges of “picking quarrels.” Detained in March 2019, as of March 19, Wei had not been allowed to meet with his lawyer. An NGO reported that authorities installed surveillance cameras at the home of Wei's wife, Zheng Churan.

In June after two years in custody, Chongqing entrepreneur Li Huaiqing went on trial for “inciting subversion of state power;” a verdict had not been announced by year's end.

Violence and Harassment: The government frequently impeded the work of the press, including citizen journalists. Journalists reported being subjected to physical attack, harassment, monitoring, and intimidation when reporting on sensitive topics. Government officials used criminal prosecution, civil lawsuits, and other punishment, including violence, detention, and other forms of harassment, to intimidate authors and journalists and to prevent the dissemination of unsanctioned information on a wide range of topics.

Family members of journalists based overseas also faced harassment, and in some cases detention, as retaliation for the reporting of their relatives abroad. Dozens of Uyghur relatives of U.S.-based journalists working for Radio Free Asia's Uyghur Service remained disappeared or arbitrarily detained in Xinjiang.

Restrictions on domestic and foreign journalists by central and local CCP propaganda departments increased significantly.

Journalists faced the threat of demotion or dismissal for publishing views that challenged the government. In many cases potential sources refused to meet with journalists due to actual or feared government pressure. During the year the scope of censorship expanded significantly with several Chinese journalists noting “an atmosphere of debilitating paranoia.” For example, long-standing journalist contacts declined off-the-record conversations, even about nonsensitive topics. In one case, a reporter noted a fear of talking to foreign journalists and said that journalists and editors were even frightened to talk to one another. During the year authorities imprisoned numerous journalists working in traditional and new media. The government also silenced numerous independent journalists by quarantining them under the guise of pandemic response.

In December, Bloomberg reporter Haze Fan was arrested at her apartment complex on suspicion of “endangering national security.” Details surrounding the reasons for her arrest were unclear at year’s end.

In June, Lu Yuyu, founder of the blog *Not News*, was released from prison after four years following a 2017 conviction for “picking quarrels and provoking trouble,” an ill-defined offense regularly used to target journalists. According to testimony he provided the Committee to Protect Journalists, Lu was seriously beaten twice while incarcerated. Lu said that while in the Dali City detention center he was regularly taken to a special interrogation room, tied to a tiger chair to immobilize his arms and legs, and then shown videos of other persons’ confessions. On one occasion he said he was placed in shackles and handcuffs and then beaten in his cell by at least two guards.

The Foreign Correspondents’ Club of China’s annual report on media freedoms found 82 percent of surveyed correspondents said they experienced interference, harassment, or violence while reporting; 70 percent reported the cancellation or withdrawal of interviews, which they knew or believed to be due to actions taken by the authorities; 25 percent were aware of sources being harassed, detained, called in for questioning, or otherwise suffering negative consequences for interacting with a foreign journalist; and 51 percent said they were obstructed at least once by police or other officials.

In February authorities expelled three *Wall Street Journal* reporters. In March the government designated the *Washington Post*, the *Wall Street Journal*, and Voice of America as foreign missions, forcing all three to report details to the government about their staffing, finances, and operations within the country. The Foreign

Correspondents' Club described the use of press accreditation as the most brazen attempt in the post-Mao era to influence foreign news organizations and to punish those whose work the government deems unacceptable.

Authorities used the visa renewal process to challenge journalists and force additional foreign reporters out of the country. In May officials refused to renew a work permit for a *New York Times* correspondent, who was then forced to leave the country. In September a *Washington Post* correspondent departed voluntarily, but authorities declined to issue a new work permit for her successor, leaving the *Post* without a single reporter in the country.

In late August, Chinese authorities stopped renewing press credentials for journalists regardless of nationality working at U.S. news organizations. The Ministry of Foreign Affairs instead issued letters in lieu of press cards that it warned could be revoked at any time.

Local employees working for foreign press outlets reported increased harassment and intimidation, in addition to authorities' continued tight enforcement of restrictions on these employees. Foreign news bureaus are prohibited by law from directly hiring Chinese citizens as employees and must rely on personnel hired by the Personnel Service Corporation, affiliated with the Ministry of Foreign Affairs. The code of conduct threatens dismissal and loss of accreditation for those citizen employees who engage in independent reporting. It instructs them to provide their employers information that projects "a good image of the country." Previously, media outlets reported they were able to hire local staff but had to clear them with government officials. More recently, they said, all hiring must be preapproved and new staff were wary of taking on responsibilities that might be considered politically sensitive, limiting their portfolios and contributions.

In March the Beijing Personnel Service Corporation for Diplomatic Missions ordered the dismissal of at least seven Chinese nationals who worked at U.S. news organizations in Beijing.

According to a foreign reporter, one of his drivers was briefly separated from his car and authorities planted a listening device in his clothing and ordered him to monitor the reporter's conversations during a trip to Inner Mongolia. On a reporting trip to Inner Mongolia, a different foreign reporter was detained for more than four hours. During the reporter's detention, one officer grabbed her by the throat with both hands and pushed her into a cell even after she identified herself as an accredited journalist.

Government harassment of foreign journalists was particularly aggressive in Xinjiang. According to the 2019 Foreign Correspondents' Club report, 94 percent of reporters who traveled to Xinjiang were prevented from accessing locations. Reporters documented cases of staged traffic accidents, road blockages, hotel closures, and cyberattacks. Nearly all foreign journalists reported constant surveillance while they worked in Xinjiang, with government agents stepping in to block access to some areas, intimidating local inhabitants so they would not talk to the journalists, and stopping the journalists--sometimes many times per day--to seize their cameras and force them to erase pictures. Reporters noted local contacts warned them any resident seen talking to foreigners would almost certainly be detained, interrogated, or sent to a "re-education camp."

Government officials also sought to suppress journalism outside their borders. While in past years these efforts largely focused on Chinese-language media, during the year additional reports emerged of attempts to suppress media critical of China regardless of language or location.

Censorship or Content Restrictions: Regulations grant broad authority to the government at all levels to restrict publications based on content, including mandating if, when, and how particular issues are reported.

Official guidelines for domestic journalists were often vague, subject to change at the discretion of propaganda officials, and enforced retroactively. Propaganda authorities forced newspapers and online media providers to fire editors and journalists responsible for articles deemed inconsistent with official policy and suspended or closed publications. Self-censorship remained prevalent among journalists, authors, and editors, particularly with post facto government reviews carrying penalties.

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by official departments. Directives warned against reporting on issues related to COVID-19 outbreaks, the official response, and international inquiries, as well as party and official reputation, health and safety in general, and foreign affairs.

The government sought to exercise complete control over public and private commentary regarding the COVID-19 outbreak, undermining local and international efforts to report on the virus's spread. COVID-19 information on Chinese social media was closely guarded from the outbreak's earliest



manifestation. Beginning on December 31, 2019, and continuing into 2020, the popular livestreaming and messaging platforms WeChat and YY imposed new censorship protocols, including on words related to the virus causing COVID-19, SARS, and potential disease vectors. On January 2, PRC state media aggressively highlighted the detention of eight doctors in Wuhan who warned about new virus reports via social media in late December, including Dr. Li Wenliang. Li, who later died from the virus, was condemned for “making false statements” on the Internet and was forced to write a self-criticism saying his warnings “had a negative impact.” Top national television news program Xinwen Lianbo reported the detentions while Xinhua published a call from Wuhan police for “all netizens to not fabricate rumors, not spread rumors, not believe rumors.” On January 14, plainclothes police detained journalists trying to report from Wuhan’s Jinyintan Hospital and forced them to delete their television footage and hand in phones and cameras for inspection.

On February 2, government authorities told media outlets not to publish negative coronavirus-related articles. On February 6, the government tightened controls on social media platforms following a Xi Jinping directive to strengthen online media control to maintain social stability. On the same day, citizen journalist and former rights lawyer Chen Qiushi disappeared in Wuhan after posting mobile-phone videos of packed hospitals and distraught families. On February 9, citizen journalist and local businessman Fang Bin disappeared after posting videos from Wuhan that circulated widely on Chinese social media. On February 15, activist Xu Zhiyong was arrested after publishing a February 4 essay calling on Xi Jinping to step down for suppressing information about the virus. On February 16, Tsinghua University professor Xu Zhangrun was placed under house arrest, barred from social media, and cut off from the Internet after publishing an essay declaring, “The coronavirus epidemic has revealed the rotten core of Chinese governance.” On February 26, citizen journalist Li Zehua, who quit his job at state broadcaster CCTV to report independently from Wuhan, was detained. With security officers at his door, Li recorded a video testament to free speech, truth, and the memory of the Tiananmen movement.

In March, *Renwu* magazine published an interview with a frontline doctor that included allegations the outbreak started in December but that officials warned doctors not to share information about the virus. The story was deleted several hours after it went online.

In April authorities charged three persons with the crime of “picking quarrels and provoking trouble” for their volunteer work with the “Terminus 2049” project,

which republishes social media and news reports likely to be censored by the government, including coronavirus outbreak pieces.

Control over public depictions of President Xi increased, with censors aggressively shutting down any depiction that varied from official media storylines. Censors continued to block images of the Winnie the Pooh cartoon character on social media because internet users used the symbol to represent Xi. Social media posts did not allow comments related to Xi Jinping and other prominent Chinese leaders.

Foreign journalists encountered serious interference in attempting to report from the TAR, other Tibetan areas, or Xinjiang. Foreign reporters also experienced restricted access and interference when trying to report in other areas the government considers sensitive. According to the 2019 Foreign Correspondents' Club report, journalist respondents said they encountered government interference in Tibetan-inhabited areas (90 percent), Xinjiang (94 percent), the North Korean border region (45 percent), and Inner Mongolia (67 percent).

Domestic films were subject to government censorship. The CCP issued a series of internal notices calling for films to highlight Chinese culture and values and promote the country's successful growth. The popular World War Two historical drama *The Eight Hundred*, released in August, was originally scheduled for release in July 2019 but was abruptly pulled from distribution after censors noted the movie's heroes rallied around the historically accurate Republic of China flag, which is still in use as the flag of Taiwan. The film was re-edited (and the flag altered) before the August release.

Foreign movies shown in the country were also subject to censorship. In December authorities ordered theaters to stop showing the fantasy action movie *Monster Hunter* after one day because of a short scene where soldiers made a joke involving the English-language words "knees" and "Chinese." The movie remained banned even after the German producers apologized and deleted the scene. In September before its release in the country, domestic media outlets were ordered not to cover the new movie *Mulan*.

Newscasts from overseas news outlets, largely restricted to hotels and foreign residence compounds, were subject to censorship. Individual issues of foreign newspapers and magazines were occasionally banned when they contained articles deemed too sensitive. Articles on sensitive topics were removed from international magazines. Television newscasts were blacked out during segments on sensitive

subjects, including for example portions of the U.S. vice-presidential debate when China was a topic of discussion.

Government regulations restrict and limit public access to foreign television shows, which are banned during primetime, and local streamers had to limit the foreign portion of their program libraries to less than 30 percent.

Authorities continued to ban books with content they deemed inconsistent with officially sanctioned views. The law permits only government-approved publishing houses to print books. Newspapers, periodicals, books, audio and video recordings, or electronic publications may not be printed or distributed without the approval of central authorities and relevant provincial publishing authorities. Individuals who attempted to publish without government approval faced imprisonment, fines, confiscation of their books, and other punishment. The CCP also exerted control over the publishing industry by preemptively classifying certain topics as state secrets.

Media reported in May that Chongqing announced a reward of up to 600,000 renminbi (\$90,000) for reporting cases concerning imported illegal overseas publications.

Media reported in June that authorities in many rural counties, such as Libo County in Guizhou Province, were cracking down on “politically harmful publications.”

After schools reopened following the COVID-19 outbreak, school libraries in at least 30 provinces and municipalities expunged many titles from their libraries. Government officials ordered school officials to remove books according to a 2019 directive that sought to eliminate any books in school libraries that challenged the “unity of the country, sovereignty or its territory, books that upset society’s order and damage societal stability; books that violate the Party’s guidelines and policies, smear, or defame the Party, the country’s leaders and heroes.”

Government rules ban the sale of foreign publications without an import permit. This includes sales on online shopping platforms, which are banned from offering “overseas publications,” including books, movies, and games that do not already have government approval. The ban also applies to services related to publications.

Authorities often justified restrictions on expression on national security protection grounds. In particular government leaders cited the threat of terrorism to justify restricting freedom of expression by Muslims and other religious minorities. These justifications were a baseline rationale for restrictions on press movements, publications, and other forms of repression of expression.

### **Internet Freedom**

The government tightly controlled and highly censored domestic internet usage. Most internet users accessed the internet on mobile devices. Nearly 700 million individuals, or more than three-quarters of mobile internet users, reportedly obtained their news from domestic Chinese social and online media sources.

Although the internet was widely available, authorities heavily censored content. During the initial stages of the COVID-19 outbreak in Wuhan, government censors stifled online discussions of the virus. According to Citizen Lab research, between January and May, authorities suppressed more than 2,000 key words related to the pandemic on the messaging platform Wechat, which had an estimated one billion users in the country.

In January and February, authorities censored and otherwise attempted to control online references to Li Wenliang, a local doctor who first raised concerns regarding the outbreak with his colleagues. Li died on February 7, triggering widespread nationwide reactions on social media referring to him as a “whistleblower,” “hero,” and “martyr” for his attempts to warn his colleagues of a “SARS-like virus” as he treated patients in Wuhan. Upon his death, national authorities sent officials from the anticorruption agency National Supervisory Commission to investigate “issues related to Dr. Li Wenliang.” Official media released on March 19 investigation results that acknowledged a police “reprimand letter” issued to Li for his “SARS-related messages in a WeChat group.” The March 19 report called the reprimand letter “inappropriate” while also saying “some hostile forces, aiming to attack the CPC and the Chinese government,” had given Li “untrue” labels.

WeChat similarly blocked private discussions alluding to reports that government officials had allegedly informed foreign governments about the pandemic before they said anything to their own citizens. By March, WeChat began censoring and controlling references to international medical organizations, including the Red Cross and the World Health Organization. During the same period, internet

company JOYY Inc.'s video streaming app YY blocked phrases that included any criticism of President Xi or the country's pandemic response.

On February 3, Xi Jinping told local authorities to ensure the internet is "always filled with positive energy" as part of epidemic prevention efforts. Local authorities issued complementary directives warning citizens not to post information that ran counter to CCP information related to COVID-19 on any social media platforms, including in private messaging groups.

On March 23, Nanjing Normal University's School of Journalism and Communication published a report estimating more than 40 credible news reports referencing the outbreak published by mainstream Chinese outlets had disappeared since January 23.

Domestic internet authorities led by the Cybersecurity Defense Bureau targeted individuals accused of defaming the government online, whether in public or private messages. Media reports detailed individual cases of police detaining citizens who were identified via search engines. Victims were frequently questioned for hours until they agreed to sign letters admitting their guilt and promising to refrain from "antisocial" behavior. In several cases citizens told reporters that police warned suspects their children could be targeted for their parents' crimes.

The government continued to employ tens of thousands of individuals at the national, provincial, and local levels to monitor electronic communications and online content. The government reportedly paid personnel to promote official views on various websites and social media and to combat alternative views posted online. Internet companies also independently employed thousands of censors to carry out CCP and government directives on censorship. When government officials criticized or temporarily blocked online platforms due to content, the parent corporations were required to hire additional in-house censors, creating substantial staffing demands well into the thousands and even tens of thousands per company.

The law requires internet platform companies operating in the country to control content on their platforms or face penalties. According to Citizen Lab, China-based users of the WeChat platform are subject to automatic filtering of chat messages and images, limiting their ability to communicate freely.

The Cybersecurity Law allows the government to “monitor, defend, and handle cybersecurity risks and threats originating from within the country or overseas sources,” and it criminalizes using the internet to “create or disseminate false information to disrupt the economic or social order.” The law also codifies the authority of security agencies to cut communication networks across an entire geographic region during “major security incidents,” although the government had previously implemented such measures before the law’s passage.

CAC regulations require websites, mobile apps, forums, blogs, instant communications services, and search engines to ensure news coverage of a political, economic, diplomatic, or commentary nature reflects government positions and priorities. These regulations extend long-standing traditional media controls to new media, including online and social media, to ensure these sources also adhere to CCP directives.

The government continued efforts to limit unauthorized virtual private network (VPN) service use. While the government permitted some users, including major international companies, to utilize authorized VPNs, many smaller businesses, academics, and citizens were prohibited from using these tools. The government regularly penalized those caught using unauthorized VPNs. At the same time the government tacitly allowed individuals to use VPNs to access Twitter, Facebook, Instagram, and other websites normally inaccessible in the country for the purpose of attacking views that criticized the government. PRC embassies abroad and state-run media outlets, for example, regularly posted in Chinese and English on Twitter, Facebook, and YouTube.

The government expanded its list of foreign websites blocked in the country, which included several thousand individual websites and businesses. Many major international news and information websites were blocked, including the *New York Times*, *Washington Post*, *Wall Street Journal*, the BBC, and the *Economist*, as well as websites of human rights organizations such as Amnesty International and Human Rights Watch.

Authorities blocked many other websites and applications, including but not limited to Google, Facebook, YouTube, WhatsApp, Twitter, and Wikipedia. Authorities also blocked access to scores of foreign university websites.

Government censors continued to block content from any source that discussed topics deemed sensitive, such as the 2019-20 Hong Kong prodemocracy protests,

Taiwan, the Dalai Lama, Tibet, Xinjiang, and the 1989 Tiananmen Square massacre.

The government also significantly increased censorship of business and economic information.

Despite being blocked in China, Twitter was estimated to have millions of users in the country, including government and party officials and prominent journalists and media figures. During the year individuals reported that authorities forced them to give security personnel access to their Twitter accounts, which authorities then used to delete their posts.

Authorities continued to jail numerous internet writers for their peaceful expression of political views. On April 22, prominent blogger Liu Yanli was sentenced to four years in prison by Dongbao District Court in Jingmen City, Hubei Province, on charges of “picking quarrels and provoking troubles.” During her trial the court cited 28 social media posts and articles penned by Liu that criticized past and current Chinese leaders, decried widespread corruption and lack of transparency, demanded protection for military veterans, and called for democratic reform.

Online references to same-sex acts, same-sex relations, and scientifically accurate words for genitalia remained banned based on a 2017 government pronouncement listing same-sex acts or relations as an “abnormal sexual relation” and forbidding its depiction.

While censorship was effective in keeping casual users away from websites hosting content deemed sensitive, many users circumvented online censorship by using various technologies. Information on proxy servers outside the country and software for defeating official censorship were available, although frequently limited by the Great Firewall. Encrypted communication apps such as Telegram and WhatsApp and VPN services were regularly disrupted, especially during “sensitive” times of the year.

The law obliges internet companies to cooperate fully with investigations of suspected leaks of state secrets, stop the transmission of such information once discovered, and report the crime to authorities. This was defined broadly and without clear limits. Furthermore, the companies must comply with authorities’ orders to delete such information from their websites; failure to do so is punishable

by relevant departments, such as the Ministry of Public Security and law enforcement authorities.

### **Academic Freedom and Cultural Events**

The government continued to restrict academic and artistic freedom and political and social discourse at colleges, universities, and research institutes. Restrictive Central Propaganda Department regulations and decisions constrained the flow of ideas and persons.

Many intellectuals and scholars exercised self-censorship, anticipating that books or papers on political topics would be deemed too sensitive to be published. Censorship and self-censorship of artistic works was also common, particularly artworks deemed to involve politically sensitive subjects. Authorities scrutinized the content of cultural events and applied pressure to encourage self-censorship of discussions.

The government and the CCP Organization Department continued to control appointments to most leadership positions at universities, including department heads. While CCP membership was not always a requirement to obtain a tenured faculty position, scholars without CCP affiliation often had fewer chances for promotion. Academic subject areas deemed politically sensitive (e.g., civil rights, elite cronyism, and civil society) continued to be off-limits. Some academics self-censored their publications, faced pressure to reach predetermined research results, or were unable to hold conferences with international participants during politically sensitive periods. Foreign academics claimed the government used visa denials, along with blocking access to archives, fieldwork, or interviews, to pressure them to self-censor their work. The use of foreign textbooks in classrooms remained restricted, and domestically produced textbooks continued to be under the editorial control of the CCP.

Undergraduate students, regardless of academic major, must complete political ideology coursework on subjects such as Marxism, Maoism, and Deng Xiaoping thought. The government's most recent publicly available education planning document, *Education Modernization Plan 2035*, specifies 10 strategic tasks, the first being to study Xi Jinping thought, implement it throughout the education system, including at primary and secondary education levels, and strengthen political thought education in institutes of higher education. In October the Ministry of Education ordered 37 of the country's top universities to offer courses about Xi Jinping's political theories and to require all students to take the courses.



Multiple media reports cited a tightening of ideological controls on university campuses, with professors dismissed for expressing views not in line with CCP thought. In July, Beijing police detained Tsinghua University professor Xu Zhangrun for six days as they investigated him for alleged solicitation of prostitutes in Chengdu in December 2019. Authorities also detained, but did not release, Xu's publisher Geng Xiaonan and her husband Qin Zhen. Police were investigating Geng for "illegal business operations" ostensibly related to her private publishing business. Observers and Professor Xu's close associates believed the prostitution charge was fabricated so police could punish him for expressing opinions criticizing the CCP and national leaders. These observers also believed Geng was being punished for publicly supporting Xu after his detention.

In November media reported a growing number of professors being penalized after having been reported by classroom informants for making statements or sharing views perceived as challenging CCP official narratives. For example, a renowned historian was delivering a live-streamed speech at an academic seminar on the rise and fall of the Soviet Union when an hour into the lecture, the feed was suddenly cut due to such a tip, according to the Beijing university that hosted the seminar.

Academics who strayed from official narratives about the COVID-19 pandemic faced increased harassment, censorship, and in some cases interventions by universities and the police. In April, Hubei University investigated a professor for her expression of support for a novelist who documented the government's lockdown of the city of Wuhan, where the pandemic first erupted. The *Free to Think 2020* report released in November by Scholars at Risk noted additional examples, such as the arrest in April of Chen Zhaozhi, a retired University of Science and Technology Beijing professor. Professor Chen commented in an online debate that the coronavirus should be referred to as a "Chinese Communist Party virus" rather than a Chinese virus. According to a media report, in March a primary school teacher in Guiyang, Guizhou Province, was banned from teaching and demoted for making a "wrong" comment on COVID-19 in Wuhan.

Media reports suggested that ideological education was on the rise in primary and secondary schools. In May the Shandong provincial education bureau released a document requiring primary and middle schools to hold Children's Day activities to instill core socialist values in students and to establish "a sense of honor and mission as communist successors." On June 1, the Ministry of Education issued the *Notice on Studying and Implementing President Xi Jinping's Children's Day Message to Masses of Children*, urging schools to deepen students' comprehension

of “the great significance of Xi Jinping’s message.” In June schools were reportedly required by the Shandong education bureau to establish “ideological control teams” to ensure teachers did not criticize the government or its socialist system and to monitor references to religious beliefs in class.

In August the Inner Mongolia’s Department of Education announced a new program to change the language of instruction in several core elementary and secondary classes from Mongolian to Mandarin. The policy change sparked a regionwide school boycott and protests among those who viewed the program as an attempt at cultural erasure through education policy. By September 17, approximately 90 percent of student boycotters were back in school after local authorities pressured their parents. According to media reports, nine ethnic Mongolians, mostly teachers and students, committed suicide after coming under such pressure. In August the CCP stepped up moves to eliminate the Mongolian language in schools in Inner Mongolia, ordering Mongolian-language primary schools to switch to Chinese-language teaching by the third grade.

During the academic year, schools faced new prohibitions on the use of international curricula. In January the Ministry of Education announced a ban on foreign textbooks and teaching materials in primary and secondary schools. The CCP’s management of teaching materials spanned nearly all levels of education.

Foreign universities establishing joint venture academic programs in the country must establish internal CCP committees and grant decision-making power to CCP officials. Foreign teachers reported being ordered not to discuss sensitive topics in their classrooms.

Authorities on occasion blocked entry into the country of individuals deemed politically sensitive and, in some cases, refused to issue passports to citizens selected for international exchange programs who were considered “politically unreliable,” singling out Tibetans, Uyghurs, and individuals from other minority areas. A number of other foreign government-sponsored exchange selectees who already had passports, including some academics, encountered difficulties gaining approval to travel to participate in their programs. Academics reported having to request permission to travel overseas and, in some cases, said they were limited in the number of foreign trips they could take per year.

The CCP’s reach increasingly extended beyond the country’s physical borders. For example, in response to the Hong Kong national security law passed in July, which allows PRC authorities to prosecute acts deemed to violate Chinese law

wherever they occur, U.S. professors and universities proposed allowing potentially vulnerable students to opt out of classroom discussions that China might view as problematic and incorporating warning labels into class materials for similarly sensitive information. Chinese students studying abroad reported self-censoring because they understand they were being watched and reported on to the PRC even in the classroom, and U.S. professors also reported cases of suspected PRC intelligence gathering in their classes. An online PRC government portal that allows informants to report on behavior believed to harm China's image saw a 40 percent increase in reports since October 2019.

Authorities in Xinjiang continued to disappear or detain Uyghur academics and intellectuals. Some prominent officials and academics were charged with being “two-faced,” a euphemism referring to members of minority groups serving state and party occupations who harbor “separatist” or “antiofficial” tendencies, including disagreeing with official restrictions on minority culture, language, and religion. Those disappeared and believed still to be held in the camps or otherwise detained included Rahile Dawut, an internationally known folklorist; Abdukerim Rahman, literature professor; Azat Sultan, Xinjiang University professor; Gheyretjan Osman, literature professor; Arslan Abdulla, language professor; Abdulqadir Jalaledin, poet; Yalqun Rozi, writer, and Gulshan Abbas, retired doctor. Feng Siyu, a Han Chinese student of Rahile Dawut, was also detained. Authorities detained former director of the Xinjiang Education Supervision Bureau Satar Sawut and removed Kashgar University president Erkin Omer and vice president Muhter Abdughopur; all remained disappeared as of December. Tashpolat Tiyip, former president of Xinjiang University, remained detained on charges of “separatism;” some human rights groups reported he had been sentenced to death. Economist Ilham Tohti remained in prison, where he was serving a life sentence after his conviction on separatism-related charges in 2014. For the first time since the 1950s, a non-Uyghur was appointed to lead Xinjiang University, the top university in the autonomous region. Some observers expected this development would likely further erode Uyghur autonomy and limit Uyghurs' academic prospects.

## **b. Freedoms of Peaceful Assembly and Association**

The government restricted freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

While the constitution provides for freedom of peaceful assembly, the government severely restricted this right. The law stipulates such activities may not challenge “party leadership” or infringe upon the “interests of the state.” Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly suppressed demonstrations involving expression of dissenting political views. For example, police in Huizhou detained human rights activist Xiao Yuhui who had retweeted a WeChat post calling for individuals to save Hong Kong.

Citizens throughout the country continued to gather publicly to protest evictions, forced relocations, and inadequate compensation, often resulting in conflict with authorities or formal charges. Media reported thousands of protests took place during the year across the country. Although peaceful protests are legal, public security officials rarely granted permits to demonstrate. Despite restrictions many demonstrations occurred, but authorities quickly broke up those motivated by broad political or social grievances, sometimes with excessive force.

Police continued to detain Xu Zhiyong and Ding Jiayi, who had both been arrested in December 2019 after they met earlier that month in Xiamen, Fujian, to organize civil society and plan nonviolent social movements in the country. They were charged with “incitement to subvert state power” and “subversion of state power;” the latter crime carries a minimum 10-year prison sentence. Authorities continued to deny the families and their lawyers access to Xu and Ding. Some others indirectly connected were detained but ultimately released during the year, such as disbarred human rights lawyer Wen Donghai and activists Zhang Zhongshun, Li Yingjun, and Dai Zhenya. Those who fled the country did not return.

Concerts, sports events, exercise classes, and other meetings of more than 200 persons require approval from public security authorities. Many such events were canceled during the year due to COVID-19 controls.

### **Freedom of Association**

The constitution provides for freedom of association, but the government restricted this right. CCP policy and government regulations require that all professional, social, and economic organizations officially register with and receive approval from the government. These regulations prevented the formation of autonomous political, human rights, religious, spiritual, labor, and other organizations that the government believed might challenge its authority in any area. The government maintained tight controls over civil society organizations and in some cases detained or harassed NGO workers.

The regulatory system for NGOs was highly restrictive, but specific requirements varied depending on whether an organization was foreign or domestic. Domestic NGOs were governed by charity law and a host of related regulations. Domestic NGOs could register in one of three categories: as a social group, a social organization, or a foundation. All domestic NGOs are required to register under the Ministry of Civil Affairs and find an officially sanctioned sponsor to serve as their “professional supervisory unit.” Finding a sponsor was often challenging, since the sponsor could be held civilly or criminally responsible for the NGO’s activities and sponsoring included burdensome reporting requirements. All organizations are also required to report their sources of funding, including foreign funding.

According to a 2016 CCP Central Committee directive, all domestic NGOs were supposed to have a CCP cell by the beginning of the year, although implementation was not consistent. According to authorities, these CCP cells were to “strengthen guidance” of NGOs in areas such as “decision making for important projects, important professional activities, major expenditures and funds, acceptance of large donations, and activities involving foreigners.” Authorities are also to conduct annual “spot checks” to ensure compliance on “ideological political work, party building, financial and personnel management, study sessions, foreign exchange, acceptance of foreign donations and assistance, and conducting activities according to their charter.”

The law requires foreign NGOs to register with the Ministry of Public Security and to find a state-sanctioned sponsor for their operations or for one-time activities. NGOs that fail to comply face possible civil or criminal penalties. The law provides no appeal process for NGOs denied registration, and it stipulates NGOs found to have violated certain provisions could be banned from operating in the country. The law also states domestic groups cooperating with unregistered foreign NGOs will be punished and possibly banned. In November 2019 the Foreign Ministry publicly confirmed for the first time that public security authorities had investigated and penalized a foreign NGO, in this case the New York-based Asia Catalyst, for carrying out unauthorized activities; Asia Catalyst did not undertake any PRC-focused activities during the year.

Some international NGOs reported it was more difficult to work with local partners, including universities, government agencies, and other domestic NGOs, as the NGO law codified the CCP’s perception that foreign NGOs were a “national security” threat. Many government agencies still had no unit responsible for

sponsoring foreign NGOs. Professional supervisory units reported they had little understanding of how to implement the law and what authorities would expect of them. The vague definition of an NGO, as well as of what activities constituted “political” and therefore illegal activities, left many business organizations and alumni associations uncertain whether they fell within the purview of the law. The lack of clear communication from the government, coupled with harassment by security authorities, caused some foreign NGOs to suspend or cease operations in the country. As of November 2, approximately 550 foreign NGO representative offices (representing 454 distinct organizations) had registered under the Foreign NGO Management Law, with nearly half of those focusing on industry or trade promotion activities.

According to the Ministry of Civil Affairs, by the end of 2019, there were more than 860,000 registered social organizations, public institutions, and foundations. Many experts believed the actual number of domestic NGOs to be much higher. NGOs existed under a variety of formal and informal guises, including national mass organizations created and funded by the CCP that are organizationally prohibited from exercising any independence, known as government-operated NGOs, or GONGOs.

For donations to a domestic organization from a foreign NGO, foreign NGOs must maintain a representative office in the country to receive funds, or to use the bank account of a domestic NGO when conducting temporary activities. By law foreign NGOs are prohibited from using any other method to send and receive funds, and such funding must be reported to the Ministry of Public Security. Foreign NGOs are prohibited from fundraising and “for-profit activities” under the law.

Although all registered organizations came under some degree of government control, some NGOs, primarily service-oriented GONGOs, were able to operate with less day-to-day scrutiny. Authorities supported the growth of some NGOs that focused on social problems, such as poverty alleviation and disaster relief. Law and regulations explicitly prohibit organizations from conducting political or religious activities, and organizations that refused to comply faced criminal penalties.

Authorities continued to restrict, evict, and investigate local NGOs that received foreign funding and international NGOs that provided assistance to Tibetan communities in the TAR and other Tibetan areas. Almost all were forced to curtail their activities altogether due to travel restrictions, official intimidation of staff members, and the failure of local partners to renew project agreements.

### c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government at times did not respect these rights.

The government increasingly silenced activists by denying them permission to travel, both internationally and domestically, or keeping them under unofficial house arrest.

In-country Movement: Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or major political events, as well as to forestall demonstrations. Uyghurs faced draconian restrictions on movement within Xinjiang and outside the region. Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, authorities still made identification checks for individuals entering or leaving cities and on public roads. In Xinjiang security officials operated checkpoints managing entry into public places, including markets and mosques, that required Uyghurs to scan their national identity card, undergo a facial recognition check, and put baggage through airport-style security screening. Such restrictions were not applied to Han Chinese in these areas.

The government operated a national household registration system (*hukou*) and maintained restrictions on the freedom to change one's workplace or residence, although many provinces and localities eased restrictions. While many rural residents migrated to the cities, where per capita disposable income was approximately three times the rural per capita income, they often could not change their official residence or workplace within the country. Most cities had annual quotas for the number of new temporary residence permits they could issue, and all workers, including university graduates, had to compete for a limited number of such permits. It was particularly difficult for rural residents to obtain household registration in provincial capitals, but outside those cities many provinces removed or lowered barriers to move from a rural area to an urban one.

The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communique of the People's Republic of China on 2019 National Economic and Social Development*, published in February by the National Bureau of Statistics of China, 280 million individuals lived outside the jurisdiction of their household registration. Migrant workers and their families faced numerous obstacles with regard to working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.

Under the “staying at prison employment” system applicable to recidivists incarcerated in administrative detention, authorities denied certain persons permission to return to their homes after serving their sentences. Some released or paroled prisoners returned home but did not have freedom of movement.

Foreign Travel: The government permitted emigration and foreign travel for most citizens. Government employees and retirees, especially from the military, faced foreign travel restrictions. The government used exit controls for departing passengers at airports and other border crossings to deny foreign travel to some dissidents and persons employed in government posts. Throughout the year many lawyers, artists, authors, and other activists were at times prevented from exiting the country. Authorities also blocked the travel of some family members of rights activists, including foreign family members.

Border officials and police sometimes cited threats to “national security” as the reason for refusing permission to leave the country, although often authorities provided no reason for such exit bans. Authorities stopped most such persons at the airport at the time of their attempted travel.

Most citizens could obtain passports, although individuals the government deemed potential political threats, including religious leaders, political dissidents, petitioners, as well as their family members and ethnic minorities, routinely reported being refused passports or otherwise being prevented from traveling overseas.

Uyghurs, particularly those residing in Xinjiang, reported great difficulty in getting passport applications approved. They were frequently denied passports to travel abroad, particularly to Saudi Arabia for the Hajj, to other Muslim countries, or to Western countries for academic purposes. Since 2016 authorities ordered Xinjiang



residents to turn in their passports or told residents no new passports were available. Foreign national family members of Uyghur activists living overseas were also denied visas to enter the country, in part due to COVID-19 travel restrictions although restrictions predated the pandemic. Because of COVID-19 the government relaxed its efforts to compel Uyghurs studying abroad to return to China. Authorities refused to renew passports for Uyghurs living abroad.

Exile: The law neither provides for a citizen's right to repatriate nor addresses exile. The government continued to refuse re-entry to numerous citizens considered dissidents, Falun Gong activists, or "troublemakers." Although in previous years authorities allowed some dissidents living abroad to return, dissidents released on medical parole and allowed to leave the country often were effectively exiled. Because of the COVID-19 pandemic, authorities greatly reduced the total number of travelers who could enter the country, including PRC citizens.

Disbarred lawyers, rights activists, and families of "709" lawyers faced difficulties applying for passports or were barred from leaving the country. For example, disbarred human rights lawyers Wang Yu (also a 709 lawyer) and Tang Jitian remained under exit bans. Family members of some 709 lawyers, such as Li Heping and Wang Quanzhang, had their passport applications denied.

#### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Although restricting access to border areas, the government regularly cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), which maintained an office in Beijing.

Refoulement: The government continued to consider North Koreans as illegal "economic migrants" rather than refugees or asylum seekers and returned many of them to North Korea without appropriate screening. In North Korea such migrants would face harsh punishments including torture, forced abortions, forced labor, sexual violence, or death. The number of such migrants greatly decreased during the year due to border closures during the COVID-19 pandemic. As of October, PRC authorities held more than 200 defectors because the North Korean government, which had shut its border due to COVID-19, refused to accept them.

North Koreans detained by PRC authorities faced repatriation unless they could pay bribes to secure their release. Family members wanting to prevent forced returns of their North Korean relatives were required to pay fees to Chinese authorities, purportedly to cover expenses incurred while in detention. While detained North Koreans were occasionally released, they were rarely given the necessary permissions for safe passage to a third country.

Access to Asylum: The law does not provide for the granting of refugee or asylum status. The government did not have a system for providing protection to refugees but generally recognized UNHCR-registered refugees in China. Asylum applicants and refugees remained in the country without access to education or social services and were subject to deportation at any time.

North Korean refugees and asylum seekers, particularly young women, were vulnerable to trafficking and forced marriage as a result of their unrecognized status. Authorities continued forcibly to repatriate North Korean refugees and asylum seekers, including trafficking victims, generally deeming them to be illegal economic migrants. The government detained and attempted to deport them to North Korea, where they faced severe punishment or death, including in North Korean forced-labor camps. The government did not provide North Korean trafficking victims with legal alternatives to repatriation.

UNHCR reported that Chinese officials continued to restrict its access to border areas. Authorities sometimes detained and prosecuted citizens who assisted North Korean refugees, as well as those who facilitated illegal border crossings.

Access to Basic Services: Refugees generally did not have access to public health care, public education, or other social services due to lack of legal status.

Durable Solutions: The government largely cooperated with UNHCR when dealing with the local settlement in China of Han Chinese or ethnic minorities from Vietnam and Laos living in the country since the Vietnam War era. The government and UNHCR continued discussions concerning the granting of citizenship to these long-term residents and their children, many of whom were born in China.

### **g. Stateless Persons**

According to international media reports, as many as 30,000 children born to North Korean women in China, most of whom were trafficked and married to Chinese spouses, had not been registered because their North Korean parent was undocumented, leaving the children de facto stateless. These children were denied access to public services, including education and health care, despite provisions in the law that provide citizenship to children with at least one PRC citizen parent. Chinese fathers reportedly sometimes did not register their children to avoid exposing the illegal status of their North Korean partners.

### **Section 3. Freedom to Participate in the Political Process**

The constitution states, “all power in the People’s Republic of China belongs to the people” and the organs through which citizens exercise state power are the NPC and the people’s congresses at provincial, district, and local levels. In practice the CCP dictated the legislative agenda to the NPC. While the law provides for elections of people’s congress delegates at the county level and below, citizens could not freely choose the officials who governed them. The CCP controlled all elections and continued to control appointments to positions of political power. The CCP used various intimidation tactics, including house arrest, to block independent candidates from running in local elections.

In 2018 the NPC removed the two-term limit for the positions of president and vice president, clearing the way for Xi Jinping to remain in office beyond two terms.

#### **Elections and Political Participation**

Recent Elections: In 2018 the NPC’s 2,980 delegates elected the president and vice president, the premier and vice premiers, and the chairman of the Central Military Commission. The NPC Standing Committee, which consists of 175 members, oversaw the elections and determined the agenda and procedures for the NPC. The selection of NPC members takes place every five years, and the process is controlled by the CCP.

The NPC Standing Committee remained under the direct authority of the CCP, and all-important legislative decisions required the concurrence of the CCP’s seven-member Politburo Standing Committee. Despite its broad authority under the state constitution, the NPC did not set policy independently or remove political leaders without the CCP’s approval.

According to Ministry of Civil Affairs 2019 statistics, almost all of the country's more than 600,000 villages had implemented direct elections by ordinary citizens for members of local subgovernmental organizations known as village committees. The direct election of officials remained narrow in scope and strictly confined to the lowest rungs of local governance. Corruption, vote buying, and interference by township-level and CCP officials continued to be problems. The law permits each voter to cast proxy votes for up to three other voters.

Election law governs legislative bodies at all levels, although compliance and enforcement varied across the country. Under the law citizens have the opportunity every five years to vote for local people's congress representatives at the county level and below, although in most cases higher-level government officials or CCP cadres controlled the nomination of candidates. At higher levels legislators selected people's congress delegates from among their ranks. For example, provincial-level people's congresses selected delegates to the NPC. Local CCP secretaries generally served concurrently within the leadership team of the local people's congress, thus strengthening CCP control over legislatures.

Political Parties and Political Participation: Official statements asserted “the political party system [that] China has adopted is multiparty cooperation and political consultation” under CCP leadership. The CCP, however, retained a monopoly on political power, and the government forbade the creation of new political parties. The government officially recognized nine parties founded prior to 1949, and parties other than the CCP held 30 percent of the seats in the NPC. These non-CCP members did not function as a political opposition. They exercised very little influence on legislation or policymaking and were only allowed to operate under the direction of the CCP United Front Work Department.

No laws or regulations specifically govern the formation of political parties. The China Democracy Party remained banned, and the government continued to monitor, detain, and imprison its current and former members. China Democracy Party founder Qin Yongmin, detained with his wife Zhao Suli in 2015, had been in Hubei's Qianjiang Prison since 2018 for “subversion of state power.”

Participation of Women and Members of Minority Groups: Women and members of minority groups held few positions of significant influence in the government or CCP structure. Among the 2,987 appointed delegates to the 13th NPC in 2018, 742 (25 percent) were women. Following the 19th Party Congress in 2017, one member of the CCP Central Committee's 25-member Politburo was a woman. There were no women in the Politburo Standing Committee.

Election law provides a general mandate for quotas for female and ethnic minority representatives, but achieving these quotas often required election authorities to violate the election law.

A total of 438 delegates from 55 ethnic minorities were members of the 13th NPC, accounting for 16 percent of the total number of delegates. All of the country's officially recognized minority groups were represented. The 19th Party Congress elected 15 members of ethnic minority groups as members of the 202-person Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority was serving as a party secretary of a provincial-level jurisdiction, although a handful of ethnic minority members were serving as leaders in provincial governments. An ethnic Mongolian woman, Bu Xiaolin, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Hui woman, Xian Hui, served as chair of the Ningxia Hui Autonomous Region. An ethnic Bai woman, Shen Yiqin, served as governor of Guizhou Province.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although officials faced criminal penalties for corruption, the government and the CCP did not implement the law consistently or transparently. Corruption remained rampant, and many cases of corruption involved areas heavily regulated by the government, such as land-usage rights, real estate, mining, and infrastructure development, which were susceptible to fraud, bribery, and kickbacks. Court judgments often could not be enforced against powerful special entities, including government departments, state-owned enterprises, military personnel, and some members of the CCP.

Transparency International's analysis indicated corruption remained a significant problem in the country. There were numerous reports of government corruption--and subsequent trials and sentences--during the year.

Under law the joint National Supervisory Commission-Central Commission for Discipline Inspection (NSC-CCDI) is charged with rooting out corruption, and its investigations may target any public official, including police, judges, and prosecutors; the commission can investigate and detain individuals connected to targeted public officials. The CCDI, the CCP's internal discipline investigation unit that sits outside of the judicial system, essentially is vested with powers of the

state and may conduct investigations against nonparty members. Rules governing NSC-CCDI investigations, operations, and detentions remained unclear.

As of the end of the year, a decision was pending in the appeal of Chen Hongwei, a lawyer in Kangping County in Liaoning Province. Chen sent a letter on May 2018 to the NSC-CCDI reporting that local officials were involved in corruption and violation of rules and laws. Immediately after the letter was sent, Chen reported that his and his family's mobile phones were monitored and their bank records scrutinized by Kangping authorities. Chen was reportedly detained for approximately 101 days by the Shenyang Supervision Committee, which acted as the local branch of the NSC-CCDI. In December 2019 Chen was fined 800,000 renminbi (\$120,000) and sentenced to 15 years in prison by the Liaozhong District Court for alleged corruption, bribery, and fraud, which Chen's attorney--Zhang Jinwu--claimed as "groundless" accusations.

Corruption: In numerous cases government prosecutors investigated public officials and leaders of state-owned enterprises, who generally held high CCP ranks, for corruption.

While the tightly controlled state media apparatus publicized some notable corruption investigations, in general very few details were made public regarding the process by which CCP and government officials were investigated for corruption. In July the NSC-CCDI published a book for internal circulation detailing the "decadent" and "corrupt" lifestyle of Meng Hongwei, who was serving as the country's first Interpol president in Lyon, France, while retaining his position as a former PRC Ministry of Public Security vice minister. In January, Meng was convicted of accepting bribes and sentenced to 13.5 years' imprisonment. He disappeared in 2018 upon arriving in Beijing, taken into custody by "discipline authorities" for suspected corruption.

Financial Disclosure: A regulation requires officials in government agencies or state-owned enterprises at the county level or above to report their ownership of property, including that in their spouses' or children's names, as well as their families' investments in financial assets and enterprises. The regulations do not require declarations be made public. Declarations are submitted to a higher administrative level and a human resource department. Punishments for not declaring information vary from training on the regulations, warning talks, and adjusting one's work position to being relieved of one's position. Regulations further state officials should report all income, including allowances, subsidies, and bonuses, as well as income from other jobs. Officials, their spouses, and the

children who live with them also are required to report their real estate properties and financial investments, although these reports are not made public. They are required to report whether their children live abroad as well as the work status of their children and grandchildren (including those who live abroad). Officials are required to file reports annually and are required to report changes of personal status within 30 days.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

The government sought to maintain control over civil society groups, halt the emergence of independent NGOs, and hinder activities of civil society and human rights groups. The government frequently harassed independent domestic NGOs and in many cases did not permit them to openly monitor or comment on human rights conditions. The government made statements expressing suspicion of independent organizations and closely scrutinized NGOs with financial or other links overseas. The government took significant steps during the year to bring all domestic NGOs under its direct regulatory control, thereby curtailing the space for independent NGOs to exist. Most large NGOs were quasi-governmental, and all official NGOs were required to have a government agency sponsor.

The United Nations or Other International Bodies: The government remained reluctant to accept criticism of its human rights record by other nations or international organizations. The government sharply limited the visits of UN experts to the country and rarely provided substantive answers to queries by UN human rights bodies. A dozen requests for visits to the country by UN experts remained outstanding.

The government used its membership on the UN Economic and Social Council's Committee on NGOs to block groups critical of China from obtaining UN accreditation and barring accredited activists from participating in UN events. The government also retaliated against human rights groups working with the United Nations.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: Rape of women is illegal and carries a sentence that ranges from three years in prison to death. The law does not safeguard same-sex

couples or victims of marital rape. A separate law on sexual assault includes male victims but has a lesser maximum penalty of five years in prison. Of the reported cases, most allegations of rape were closed through private settlement rather than prosecution. Some persons convicted of rape were executed.

Domestic violence remained a significant problem. Some scholars said victims were encouraged to attempt to resolve domestic violence through mediation. Societal sentiment that domestic violence was a personal, private matter contributed to underreporting and inaction by authorities when women faced violence at home. The law defines domestic violence as a civil, rather than a criminal, offense. The web publication *Sixth Tone* reported in 2019 that 25 percent of families had experienced domestic violence. In July the city of Yiwu, Zhejiang Province, launched an inquiry service where engaged couples can look up whether their prospective partner has a history of violence, “either between family members or during cohabitation;” however, as of the end of August, there were no requests to use this database.

In September internet celebrity Lhamo was burned to death during a livestream broadcast by her former husband, who attacked her and lit her on fire with gasoline. Police detained the former husband, surnamed Tang, but at year’s end no further information was available on their investigation into the case. Observers said her death showed how domestic violence remained a serious and prevalent issue in the country.

The government supported shelters for victims of domestic violence, and some courts provided protections to victims, including through court protective orders prohibiting a perpetrator of domestic violence from coming near a victim. Nonetheless, official assistance did not always reach victims, and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to victims of domestic violence were often pressured to suspend public activities and cease all forms of policy advocacy, an area that was reserved only for government-sponsored organizations.

According to women’s rights activists, a recurring problem in the prosecution of domestic violence cases was a failure by authorities to collect evidence, including photographs, hospital records, police records, or children’s testimony. Witnesses seldom testified in court.

Courts’ recognition of domestic violence improved, making spousal abuse a mitigating factor in crimes committed in self-defense.



Sexual Harassment: The law prohibits sexual harassment against women. In May the civil code expanded and clarified what conduct can be considered sexual harassment. The law expands the behaviors included in the definition of harassment, eliminates the statute of limitations of minors seeking to sue on sexual harassment grounds, and requires employers to make affirmative efforts to prevent and address sexual harassment in the workplace. It remained difficult for victims to file a sexual harassment complaint and for judges to reach a ruling on such cases. Many women remained unwilling to report incidents of sexual harassment, believing the justice system was ineffectual, according to official media. Several prominent media reports of sexual harassment went viral on social media, helping to raise awareness of the problem, particularly in the workplace.

In July a plaintiff won the country's first-ever sexual harassment lawsuit, which began in 2018 when a social worker at a Chengdu-based NGO, One Day for Social Service Center, sued her prominent former boss, Liu Meng, for his unwelcome advances. The court, however, neither awarded damages to the plaintiff nor held the NGO accountable. The Ginkgo Foundation, a well known public charity organization, revoked the "Ginkgo Fellow" award it gave to Liu in 2011 in a show of respect for "the plaintiff's courage and persistence."

On April 15, a hospital department director in Sichuan was suspended for "inappropriate behavior" after a nurse claimed the director had sexually harassed her. In April a Shanghai-based employee of the German supermarket Aldi sued her supervisor, a foreign national, for repeated sexual harassment.

Human Rights Watch cited one statistic showing nearly 40 percent of women said they experienced sexual harassment in the workplace. Many incidents of workplace sexual harassment, however, were unreported.

The law allows victims to file a sexual harassment complaint with their employer, authorities, or both. Employers who failed to take effective measures to prevent sexual harassment could be fined.

Some women's NGOs that sought to increase public awareness of sexual harassment reported harassment by public security and faced challenges executing their programs.

Coercion in Population Control: Under the two-child policy, the government imposes childbirth restrictions and often coerced women and girls into abortions

and sterilizations for exceeding birth quotas. Statistics on the percentage of abortions that were coerced during the year were not released by the government. The CCP restricts the rights of parents to choose the number of children they have and utilizes family planning units from the provincial to the village level to enforce population limits and distributions. The Population and Family Planning Law permits married couples to have two children and allows couples to apply for permission to have a third child if they meet conditions stipulated in local and provincial regulations. Unmarried women are not authorized to have children and have enormous social maintenance fees imposed on them if they give birth.

According to a June 8 report on the governmental Xinjiang Web news site, approximately eight million “extra pregnancies” are aborted in the country every year, although the site did not indicate whether these abortions were voluntary or not. Citizens were subject to hefty fines for violating the law, while couples who had only one child received a certificate entitling them to collect a monthly incentive payment and other benefits that varied by province--from approximately six to 12 renminbi (one to two dollars) per month up to 3,000 renminbi (\$450) for farmers and herders in poor areas. Couples in some provinces were required to seek approval and register before a child was conceived. The National Health Commission rejected calls to eliminate legal references to family planning, citing the country’s constitutional provision that “the state promotes family planning so that population growth may fit the plans for economic and social development.”

Starting in 2016, the PRC began relaxing birth control measures for the Han majority. Sterilization procedures plummeted nationwide as the Chinese government began encouraging more births among the Han. At the same time, however, birth control policies directed toward Uyghurs became more stringent. Ethnic and religious minority women were often subject to coercive population control measures. According to a Jamestown Foundation report and other sources that analyzed Chinese government statistics, natural population growth in Uyghur areas had fallen dramatically, with some areas reporting a greater than 80 percent drop in birth rates. Birth rate reduction targets were common in Xinjiang; one area reportedly set a birth rate target of near zero, intending to accomplish this through “family planning work.” Violations could be punished by detention in an internment camp. The government also funded sterilization campaigns targeting Uyghur women; these were reportedly enforced by quarterly “IUD checks” and bimonthly pregnancy tests. There were indications that Uyghur women who had been put in internment camps were injected with drugs that cause a temporary or permanent end to their menstrual cycles and fertility.

Under the law and in practice, there are financial and administrative penalties for births that exceed birth limits or otherwise violate regulations. The law as implemented requires each woman with an unauthorized pregnancy to abort or pay the social compensation fee, which can reach 10 times a person's annual disposable income. The exact amount of the fee varied widely from province to province. Those with financial means often paid the fee so that their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some parents avoided the fee by hiding children born in violation of the law with friends or relatives. Minorities in some provinces were entitled to higher limits on their family size.

The law maintains "citizens have an obligation to practice birth planning in accordance with the law" and also states "couples of child-bearing age shall voluntarily choose birth planning contraceptive and birth control measures to prevent and reduce unwanted pregnancies."

Since the national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons were required to pay for contraception. Although under both civil law and marriage law, the children of single women are entitled to the same rights as those born to married parents, in practice children born to single mothers or unmarried couples were considered "outside of the policy" and subject to the social compensation fee and the denial of legal documents, such as birth documents and the hukou residence permit. Single women could avoid those penalties by marrying within 60 days of the baby's birth.

As in prior years, population control policy continued to rely on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations and, less frequently, coerced abortions and sterilizations. Officials at all levels could receive rewards or penalties based on whether or not they met the population targets set by their administrative region. With the higher birth limit, and since many persons wanted to have no more than two children, it was easier to achieve population targets, and the pressure on local officials was considerably less than before. Those found to have a pregnancy in violation of the law or those who helped another to evade state controls could face punitive measures, such as onerous fines or job loss.

Regulations requiring women who violate the family planning policy to terminate their pregnancies still exist and were enforced in some provinces, such as Hubei, Hunan, and Liaoning. Other provinces such as Guizhou and Yunnan maintained

provisions that require “remedial measures,” an official euphemism for abortion, to deal with pregnancies that violate the policy.

Although many local governments encouraged couples to have a second child, families with three or more children still must pay a “social compensation fee.” In previous years those who did not pay the fee were added to a “personal credit blacklist,” restricting their ability to request loans, take public transportation, purchase items, educate their children, and join tours. The compensation fees were estimated to be 15 to 30 percent of some local governments’ discretionary spending budgets.

The law mandates family planning bureaus administer pregnancy tests to married women of childbearing age and provide them with basic knowledge of family planning and prenatal services. Some provinces fined women who did not undergo periodic state-mandated pregnancy tests.

Family planning officials face criminal charges and administrative sanctions if they are found to violate citizens’ human or property rights, abuse their power, accept bribes, misappropriate or embezzle family planning funds, or falsely report family planning statistics in the enforcement of birth limitation policy. Forced abortion is not specifically listed as a prohibited activity. By law citizens could submit formal complaints about officials who exceed their authority in implementing birth-planning policy, and complaints are to be investigated and dealt with in a timely manner.

Discrimination: The constitution states “women enjoy equal rights with men in all spheres of life.” The law provides for equality in ownership of property, inheritance rights, access to education, and equal pay for equal work. Nonetheless, women reported discrimination, unfair dismissal, demotion, and wage discrepancies were significant problems.

On average women earned 35 percent less than men who did similar work. This wage gap was greater in rural areas. Women were underrepresented in leadership positions, despite their high rate of participation in the labor force.

Authorities often did not enforce laws protecting the rights of women. According to legal experts, it was difficult to litigate sex discrimination suits because of vague legal definitions. Some observers noted the agencies tasked with protecting women’s rights tended to focus on maternity-related benefits and wrongful

termination due to pregnancy or maternity leave rather than on sex discrimination, violence against women, or sexual harassment.

Women's rights advocates indicated that in rural areas women often forfeited land and property rights to their husbands in divorce proceedings. The May 28 civil code included a provision for a 30-day "cooling off" period in cases of uncontested divorce; some citizens expressed concern this could leave those seeking escape from domestic violence liable to further abuse. Rural contract law and laws protecting women's rights stipulate women enjoy equal rights in cases of land management, but experts asserted this was rarely the case due to the complexity of the law and difficulties in its implementation.

Gender-biased Sex Selection: The most recent information from the PRC's State Council Information Office stated the boy-girl birth ratio had dropped from 113.5 in 2015 to 110.14 per 100 girls in 2019.

Nonmedical fetal sex diagnosis and aborting a pregnancy based on gender selection are illegal. Private and unregistered clinics, however, provided these services. Provincial health commissions made efforts to crack down on sex-selective abortions. In September, Laoshan District issued a fine of 30,000 renminbi (\$4,480) to a medical institution in Qingdao for the purchase and use of B-ultrasound diagnostic equipment.

## **Children**

Birth Registration: Citizenship is derived from parents. Parents must register their children in compliance with the national household registration system within one month of birth. Children born outside of two-child policy quotas often cannot be registered. Unregistered children could not access public services, including education, health care, identity registration, or pension benefits.

Education: Although the law provides for nine years of compulsory education for children, many children in poor rural areas did not attend school for the required period, and some never attended. Public schools were not allowed to charge tuition, but many schools continued to charge miscellaneous fees because they received insufficient local and central government funding. Such fees and other school-related expenses made it difficult for poorer families and some migrant workers to send their children to school. The gap in education quality for rural and urban youth remained extensive, with many children of migrant workers attending unlicensed and poorly equipped schools.

Child Abuse: The physical abuse of children is grounds for criminal prosecution, and the law protects children. Sexual abuse of minors, particularly of rural children, was a significant problem.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 22 for men and 20 for women. Child marriage was not known to be a problem.

Sexual Exploitation of Children: The minimum legal age for consensual sex is 14. Persons who forced girls younger than 14 into prostitution could be sentenced to 10 years to life in prison in addition to a fine or confiscation of property. In especially serious cases, violators could receive a life sentence or death sentence, in addition to having their property confiscated. Those who visited girls forced into prostitution younger than 14 were subject to five years or more in prison in addition to paying a fine.

Pornography of any kind, including child pornography, is illegal. Under the criminal code, those producing, reproducing, publishing, selling, or disseminating obscene materials with the purpose of making a profit could be sentenced to up to three years in prison or put under criminal detention or surveillance in addition to paying a fine. Offenders in serious cases could receive prison sentences of three to 10 years in addition to paying a fine.

According to the law, persons broadcasting or showing obscene materials to minors younger than 18 are to be “severely punished.”

Infanticide or Infanticide of Children with Disabilities: The law forbids infanticide, although NGOs reported that female infanticide due to a traditional preference for sons and coercive birth limitation policies continued. Parents of children with disabilities frequently left infants at hospitals, primarily because of the anticipated cost of medical care. Gender-biased abortions and the abandonment and neglect of baby girls were believed to be in decline but continued to be a problem in some circumstances.

Displaced Children: The detention of an estimated one million or more Uyghurs, ethnic Kazakhs, Kyrgyz, and other Muslims in Xinjiang left many children without caregivers. While many of these children had other relatives willing to care for them, the government began placing the children of detainees in orphanages, state-run boarding schools, or “child welfare guidance centers,” where they were forcibly indoctrinated with Communist Party ideology and forced to learn

Mandarin Chinese, reject their religious and cultural beliefs, and answer questions about their parents' religious beliefs and practices. The number of such children was unknown, especially as many of these facilities were also used for orphans and regular students, but one media outlet reported that, based on a 2017 government planning document, at least 500,000 children were separated from their parents and put into these “care” centers. Government policy aims to provide such children with state-sponsored care until they reach age 18. In Hotan some boarding schools were topped with barbed wire.

Institutionalized Children: See “Displaced Children” section above.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The government does not recognize Judaism as an ethnicity or religion. The World Jewish Congress estimated the Jewish population at 2,500. There were no reports of anti-Semitic acts during the year.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law protects the rights of persons with disabilities and prohibits discrimination, but in many instances conditions for such persons lagged behind legal requirements, and the government failed to provide persons with disabilities access to programs intended to assist them.

According to the law, persons with disabilities “are entitled to enjoyment of equal rights as other citizens in political, economic, cultural, and social fields, in family life, and in other aspects.” Discrimination against, insult of, and infringement upon persons with disabilities is prohibited. The law prohibits discrimination

against minors with disabilities and codifies a variety of judicial protections for juveniles.

The Ministry of Education reported there were more than 2,000 separate education schools for children with disabilities, but NGOs reported only 2 percent of the 20 million children with disabilities had access to education that met their needs.

Individuals with disabilities faced difficulties accessing higher education. Universities often excluded candidates with disabilities who would otherwise be qualified. A regulation mandates accommodations for students with disabilities when taking the national university entrance exam.

Unemployment among adults with disabilities, in part due to discrimination, remained a serious problem. The law requires local governments to offer incentives to enterprises that hire persons with disabilities. Regulations in some parts of the country also require employers to pay into a national fund for persons with disabilities when employees with disabilities do not make up a statutory minimum percentage of the total workforce.

Standards adopted for making roads and buildings accessible to persons with disabilities are subject to the Law on the Handicapped, which calls for their “gradual” implementation; compliance was limited.

The law forbids the marriage of persons with certain mental disabilities, such as schizophrenia. If doctors find a couple is at risk of transmitting congenital disabilities to their children, the couple may marry only if they agree to use birth control or undergo sterilization. In some instances officials continued to require couples to abort pregnancies when doctors discovered possible disabilities during prenatal examinations. The law stipulates local governments are to employ such practices to eliminate the births of children with disabilities.

### **Members of National/Racial/Ethnic Minority Groups**

Government policy called for members of recognized minority groups to receive preferential treatment in birth planning, university admission, access to loans, and employment. The substance and implementation of ethnic minority policies nonetheless remained poor, and discrimination against minorities remained widespread. The government “sinicization” campaign resulted in ethnically based restrictions on movement, including curtailed ability to travel freely or obtain travel documents; greater surveillance and presence of armed police in ethnic



minority communities; and legislative restrictions on cultural and religious practices.

Despite laws that local languages should be used in schools, government authorities in Inner Mongolia announced on August 26 changes to school instruction that require instructors to use Mandarin to teach Chinese language, history, and politics, replacing the Mongolian language and traditional Mongolian script, which reportedly is used only in Inner Mongolia and is viewed as a key part of Mongolian culture. The PRC implemented similar policies in Xinjiang and Tibet as a means to encourage a “national common language,” but which observers viewed as a means to erode unique languages and cultures. The announcement was followed by protests in several cities in Inner Mongolia, as well as parents pulling their children out of schools. International media sources estimated 8,000-10,000 persons were detained because of the protests.

According to the most recent government census (2015), 9.5 million, or 40 percent, of Xinjiang’s official residents were Han Chinese. Uyghur, Hui, ethnic Kazakh, Kyrgyz, and other ethnic minorities constituted 14.1 million Xinjiang residents, or 60 percent of the total population. Official statistics understated the Han Chinese population because they did not count the more than 2.7 million Han residents on paramilitary compounds (*bingtuan*) and those who were long-term “temporary workers,” an increase of 1.2 percent over the previous year, according to a 2015 government of Xinjiang report.

The government’s policy to encourage Han Chinese migration into minority areas significantly increased the population of Han in Xinjiang. Han Chinese officials continued to hold the majority of the most powerful CCP and many government positions in minority autonomous regions, particularly Xinjiang. The rapid influx of Han Chinese into Xinjiang in recent decades, combined with the government’s discrimination in employment, cultural marginalization, and religious repression, provoked Uyghur resentment.

In 2017 the Xinjiang government implemented “Deradicalization Regulations,” codifying efforts to “contain and eradicate extremism.” The government used this broad definition of extremism to detain, since 2017, more than one million Uyghurs, ethnic Kazakhs, Kyrgyz, and other Muslims in “transformation through education” centers, or detention centers, designed to instill patriotism and erase their religious and ethnic identities. This included many of those ordered to return to China from studying or working abroad. International media reported security

officials in the centers abused, tortured, and killed some detainees (see sections 1.a., 1.b., 1.c., 1.d., and 2.d.).

Outside the internment camps, the government implemented severe restrictions on expressions of minorities' culture, language, and religious identity, including regulations prohibiting behaviors the government considered signs of "extremism" such as growing "abnormal" beards, wearing veils in public places, and suddenly stopping smoking and drinking alcohol, among other behaviors. The regulations banned the use of some Islamic names when naming children and set punishments for teaching religion to children. Authorities conducted "household surveys" and "home stays" in which officials or volunteers forcibly lived in Uyghurs' homes and monitored families for signs of "extremism." There were media reports that male officials would sleep in the same bed as the wives of men who were detained in internment camps, as part of the "Pair Up and Become Family" program, and also bring alcohol and pork for consumption during the home stay. Authorities also used a vast array of surveillance technology designed to specifically target and track Uyghurs.

Xinjiang government "de-extremification" regulations state that county-level governments "may establish occupational skills education and training centers and other such education and transformation bodies and management departments to conduct education and transformation for persons influenced by extremism." Some observers noted that despite this regional law, the "re-education centers" were illegal under the constitution.

Minority groups in border and other regions had less access to education than their Han Chinese counterparts, faced job discrimination in favor of Han Chinese migrants, and earned incomes well below those in other parts of the country. Government development programs and job provisions disrupted traditional living patterns of minority groups and in some cases included the forced relocation of persons and the forced settlement of nomads. Han Chinese benefited disproportionately from government programs and economic growth in minority areas. As part of its emphasis on building a "harmonious society" and maintaining social stability, the government downplayed racism and institutional discrimination against minorities and cracked down on peaceful expressions of ethnic culture and religion. These policies remained a source of deep resentment in Xinjiang, the Inner Mongolia Autonomous Region, the TAR, and other Tibetan areas.

The law states "schools (classes and grades) and other institutions of education where most of the students come from minority nationalities shall, whenever

possible, use textbooks in their own languages and use their languages as the medium of instruction.” Despite provisions to ensure cultural and linguistic rights, measures requiring full instruction in Mandarin beginning in preschool and banning the use of Uyghur in all educational activities and management were implemented throughout Xinjiang, according to international media.

Many of the security raids, arbitrary detentions, and judicial punishments appeared to target groups or individuals peacefully seeking to express their political or religious views. Detention and punishment extended to expression on the internet and social media, including the browsing, downloading, and transmitting of banned content. Officials continued to use the threat of violence as justification for extreme security measures directed at the local population, journalists, and visiting foreigners. According to Xinhua, officials used surveillance and facial recognition software, biodata collection, and big data technology to create a database of Uyghurs in Xinjiang for the purpose of conducting “social-instability forecasting, prevention, and containment.” Security forces frequently staged large-scale parades involving thousands of armed police in cities across Xinjiang, according to state media.

Uyghurs and members of other religious and ethnic minority groups continued to be sentenced to long prison terms and were in some cases executed without due process on spurious charges of separatism and endangering state security.

The law criminalizes discussion of “separatism” on the internet and prohibits use of the internet in any way that undermines national unity. It further bans inciting ethnic separatism or “harming social stability” and requires internet service providers and network operators to set up monitoring systems to detect, report, and delete religious content or to strengthen existing systems and report violations of the law. Authorities searched cell phones at checkpoints and during random inspections of Uyghur households, and persons in possession of alleged terrorist material, including pictures of general religious or cultural importance, could be arrested and charged with crimes. International media reported security officials at police checkpoints used a surveillance application to download and view content on mobile phones.

Ethnic Kazakhs were also targeted. In June outside the Chinese embassy in Kazakhstan’s capital Nur-Sultan, ethnic Kazakh and former Xinjiang resident Akikat Kalliola (alternate spelling Aqiqat Qaliolla) protested the forced detention, “re-education,” and blocked international communications for his Xinjiang-based immediate family members, namely his parents and two brothers. Authorities

seized the Xinjiang-based family members' passports, preventing them from traveling to Kazakhstan to see Kalliola. In December, Kalliola reported his father had died in prison, but by the end of the year, authorities had yet to issue a death certificate or allow access to the body. Kazakhs were also prevented from moving freely between China and neighboring Kazakhstan, and some were detained in internment camps upon their return to China.

The government pressured foreign countries to repatriate or deny visas to Uyghurs who had left China, and repatriated Uyghurs faced the risk of imprisonment and mistreatment upon return. Some Uyghurs who were forcibly repatriated disappeared after arriving in China. Family members of Uyghurs studying overseas were also pressured to convince students to return to China, and returning students were detained or forced to attend "re-education camps," according to overseas media. Overseas ethnic Uyghurs, whether they were citizens of the PRC or their countries of residence, were sometimes pressured to provide information about the Uyghur diaspora community to agents of the PRC government.

Freedom of assembly was severely limited in Xinjiang. For information about abuse of religious freedom in Xinjiang, see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

For specific information on Tibet, see the Tibet Annex.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

No laws criminalize private consensual same-sex conduct between adults. Individuals and organizations working on lesbian, gay, bisexual, transgender, and intersex (LGBTI) issues continued to report discrimination and harassment from authorities similar to that experienced by other organizations that accept funding from overseas.

LGBTI individuals reported incidents of violence, including domestic violence; however, they encountered difficulties in seeking legal redress, since regulations on domestic violence do not include recognition of same-sex relations. Accessing redress was further limited by societal discrimination and traditional norms, resulting in most LGBTI persons refraining from publicly discussing their sexual orientation or gender identity. Nonetheless, the May 28 civil code includes a provision that protects certain tenancy rights for designated partners of deceased property owners without officially defined family relationships.

NGOs working on LGBTI issues reported that although public advocacy work became more difficult for them due to laws governing charities and foreign NGOs, they made some progress in advocating for LGBTI rights through specific antidiscrimination cases.

### **HIV and AIDS Social Stigma**

Discrimination against persons with HIV remained a problem, impacting individuals' employment, education, and housing opportunities and impeding access to health care. In some instances laws protecting persons with HIV from discrimination contradict laws restricting the rights of persons with HIV. During the year state media outlets reported instances of persons with HIV or AIDS who were barred from housing, education, or employment due to their HIV status. According to the National Health Commission, as of the end of 2019, an estimated 950,000 persons in the country had HIV or AIDS.

According to the law, companies may not demand HIV antibody tests nor dismiss employees for having HIV. Nonetheless, regulations also stipulate that HIV-positive individuals shall not engage in work that is prohibited by laws, administrative regulations, and the Department of Health under the State Council.

In October 2019 a 32-year-old temporary worker named Liu, who had worked for Mao Tai Liquor Company in Guizhou for two years, was fired after he tested positive for HIV. The Mao Tai staff hospital did not inform him of his HIV test result during his routine medical exam.

Early in the year, a retired worker named Wang Ming in Xi'an was "persuaded" by the president of a local public hospital to return home, citing his coughing as a chronic disease. Wang Ming stated his belief the public hospital declined him service after finding out he was HIV positive, infected earlier during a dental operation at a private clinic.

In March an 11-year-old girl named Shasha whose HIV was transmitted via her mother was forced to drop out of school due to extensive discrimination at Chiduanwan Elementary School in Hunan.

### **Promotion of Acts of Discrimination**

In an effort to justify the detention of ethnic minorities in Xinjiang and elsewhere, official state media outlets published numerous articles describing members of minority ethnic or religious groups as violent and inferior. Such propaganda emphasized the connection between religious beliefs, in particular belief in Islam, and acts of violence. Moreover, many articles described religious adherents as culturally backward and less educated, and thus in need of government rectification.

## **Section 7. Workers' Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law does not provide for freedom of association, and workers are not free to organize or join unions of their own choosing. The All China Federation of Trade Unions (ACFTU) is the only union recognized under the law. Independent unions are illegal, and the law does not protect the right to strike. The law allows for collective wage bargaining for workers in all types of enterprises. The law further provides for industrial sectorwide or regional collective contracts, and enterprise-level collective contracts were generally compulsory throughout the country. Regulations require the government-controlled union to gather input from workers prior to consultation with management and to submit collective contracts to workers or their congress for approval. There is no legal obligation for employers to negotiate or to bargain in good faith, and some employers refused to do so.

The law provides for legal protections against discrimination against the officially sanctioned union and specifies union representatives may not be transferred or terminated by enterprise management during their term of office. The law provides for the reinstatement of workers dismissed for official union activity as well as for other penalties for enterprises that engage in antiunion activities. The law does not protect workers who request or take part in collective negotiations with their employers independent of the officially recognized union.

All union activity must be approved by and organized under the ACFTU, a CCP organ chaired by a member of the Politburo. The ACFTU and its provincial and local branches continued to establish new constituent unions and add new members, especially among workers in technology companies and in the transportation and service sectors. The law gives the ACFTU financial and administrative control over constituent unions empowered to represent employees in negotiating and signing collective contracts with enterprises and public

institutions. The law does not mandate the ACFTU to represent the interests of workers in disputes.

The ACFTU and the CCP used a variety of mechanisms to influence the selection of trade union representatives. Although the law states trade union officers at each level should be elected, ACFTU-affiliated unions appointed most factory-level officers, often in coordination with employers. Official union leaders were often drawn from the ranks of management. Direct election by workers of union leaders continued to be rare, occurred only at the enterprise level, and was subject to supervision by higher levels of the union or the CCP. In enterprises where direct election of union officers took place, regional ACFTU officers and local CCP authorities retained control over the selection and approval of candidates. Even in these cases, workers and NGOs expressed concern about the credibility of elections.

The law does not expressly prohibit work stoppages and does not prohibit workers from striking spontaneously. Although some local authorities tolerated strikes protesting unpaid or underpaid wages, reports of police crackdowns on strikes continued throughout the year. For example, on March 7, police in Wuxi, Jiangsu beat and arrested a group of striking workers calling for unpaid year-end bonuses. Disputes over wage and benefit arrears caused the majority of the 800 strikes and collective protests recorded during the year tracked by the Hong Kong-based labor rights NGO China Labor Bulletin.

In cases where local authorities cracked down on strikes, they sometimes charged leaders with vague criminal offenses, such as “inciting subversion of state power,” “picking quarrels and provoking trouble,” “gathering a crowd to disturb public order,” or “damaging production operations,” or detained them without any charges. For example Guangdong labor activist Ling Haobo, arrested in June 2019 in Heyuan, Guangdong, was sentenced and imprisoned in September for “picking quarrels and provoking trouble.” The only legally specified roles for the ACFTU in strikes are to participate in investigations and to assist the Ministry of Human Resources and Social Security in resolving disputes.

Enforcement was generally insufficient to deter wide-scale violations of laws designed to protect workers’ rights. Labor inspectors lacked authority and resources to compel employers to correct violations. While the law outlines general procedures for resolving disputes, procedures were lengthy and subject to delays. Local authorities in some areas actively sought to limit efforts by independent civil society organizations and legal practitioners. While some local

government authorities took steps to increase mediation or arbitration, other areas maintained informal quotas on the number of cases allowed to proceed beyond mediation to arbitration or the courts. According to the *China Labor Statistical Yearbook*, in 2019 local labor dispute arbitration committees handled 894,053 cases, of which 195,063 were related to the termination of employment contracts.

Despite relatively high levels of union registration, genuine freedom of association and worker representation did not exist. The ACFTU constituent unions were generally ineffective in representing and protecting the rights and interests of workers. Workers generally did not view the ACFTU as an advocate, especially migrant workers, who rarely interacted with union officials.

China Labor Bulletin reported workers throughout the country engaged in wildcat strikes, work stoppages, and other protest actions and claimed the workers' actions were indicative of the ACFTU's inability to prevent violations and resolve disputes. Media reported a number of protests at factories throughout the country and a number of worker protests in the construction, service, and retail sectors.

The government targeted labor activists, students, and others advocating for worker rights during the year. For example, four Jasic Technology factory workers--Li Zhan, Liu Penghua, Mijiuping, and Yucong--who were part of a larger effort by workers to form a union in 2018 to respond to low pay and poor working conditions, remained in custody at year's end. Other workers, labor organizers, and students who supported the effort to organize also faced threats, charges, and arrests. The International Labor Organization's (ILO) Committee on the Freedom of Association noted concern regarding the reports of government harassment, intimidation, arrests, and physical abuse in the Jasic case.

Coordinated efforts by governments at the central, provincial, and local levels, including censorship, surveillance, harassment, detention, and the imposition of travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. For example, on March 26, a labor activist published photographs of hundreds of sanitation workers in Henan protesting wage arrears on a popular social media site but was pressured by local authorities to delete the contents less than 24 hours later. On February 16, a labor activist who provided free masks to sanitation workers in Beijing after the outbreak of COVID-19 was detained and held for 123 days. The activist had previously worked to defend the legal rights of migrant workers forcibly evicted from their residences in Beijing in 2017.



## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced and compulsory labor. The law provides a range of penalties depending on the circumstances, including imprisonment, criminal detention, administrative blacklisting, and fines. Penalties were commensurate with those for analogous serious crimes, such as kidnapping. The law was not effectively enforced.

The PRC used state-sponsored forced labor in detention camps, prisons, and factories in and outside Xinjiang.

There is evidence of forced labor exacted by the use of force, threats of detention or other abusive practices against workers laboring in the camps, large industrial parks, and residential locations in Xinjiang. There are also reports of individuals “graduating” from “vocational training centers” and then being compelled to work at nearby facilities or sent to factories in other parts of China.

China’s State Council issued a white paper on employment and labor rights in Xinjiang Uyghur Autonomous Region on September 17, 2020, in which it acknowledged that the Chinese Government has provided “vocational training” to an average of 1.29 million workers in Xinjiang every year from 2014 to 2019.

Xinjiang government documents indicate the existence of a large-scale PRC government plan, known as the “mutual pairing assistance” program, where 19 cities and provinces, mostly in eastern China, have established factories in Xinjiang. There is significant risk that these factories are using camp labor and other exploitative labor practices.

Persons detained in internment camps in Xinjiang (see section 6) were subjected to forced labor. The detainees worked in factories producing garments, hair accessories, and electronics and in agricultural production, notably picking and processing cotton and tomatoes. In March an Australian Strategic Policy Institute report stated the PRC government transferred Uyghur and other ethnic minorities from Xinjiang to technology, clothing, and automotive factories across the country; conditions for many transferred workers strongly suggested forced labor. A *New York Times* investigation published on April 15 stated some Chinese companies used forced labor to produce personal protective equipment. In December a Center for Global Policy report detailed the PRC’s coercive labor training and transfer schemes that led to forced labor of nearly half a million people in the Xinjiang cotton harvest.

A December 2020 Jamestown report used evidence from public and nonpublic Chinese government and academic sources indicating that labor transfers of ethnic minorities in Xinjiang to other regions and other provinces are part of a state-run scheme to forcibly uproot them, assimilate them, and reduce their population. Using Chinese government documents, the report estimates that up to 1.6 million transferred laborers are estimated to be at risk of being subjected to forced labor as a result of the government policy that intends to “displace” populations deemed “problematic” by the government.

Chinese-flagged fishing vessels subjected workers from other countries to forced labor. On August 26, an Indonesian social media outlet posted a video of three Indonesian fisherman pleading for rescue from a PRC-flagged fishing vessel. The fishermen claimed they were subjected to physical violence, forced to work 20-hour days, and not paid for their work.

Although in 2013 the NPC officially abolished the re-education through labor system, an arbitrary system of administrative detention without judicial review, numerous media outlets and NGOs reported forced labor continued in prisons as well as drug rehabilitation facilities where individuals continued to be detained without judicial process. An August, *Epoch Times* article stated prison labor was used in apparel, artificial flowers, and cosmetic production in Shenyang, Liaoning.

There were reports of forced labor in other provinces in the production of items such as bricks, coal, and electronics.

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The law prohibits the employment of children younger than 16. It refers to workers between the ages of 16 and 18 as “juvenile workers” and prohibits them from engaging in certain forms of dangerous work, including in mines. Where there were reports of child labor in the private sector, the government reportedly enforced the law.

The law specifies administrative review, fines, and revocation of business licenses of enterprises that illegally hire minors and provides underage working children be returned to their parents or other custodians in their original place of residence.

The penalty is imprisonment for employing children younger than 16 in hazardous labor or for excessively long hours, but a gap remained between legislation and implementation despite annual inspection campaigns launched by local authorities across the country. Laws aimed at stopping child trafficking may not apply to boys ages 14-17. Penalties were commensurate with those for analogous serious crimes such as kidnapping.

During the year there were reports of children working, often unpaid, in factories, at schools, and as athletes and models. Abuse of the student-worker system continued. There were multiple reports of schools and local officials improperly facilitating student labor in factories producing electronics and apparel.

Also see the U.S. Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law provides some basis for legal protection against employment discrimination on the grounds of ethnicity, race, gender, religious belief, disability, age, and infectious or occupational diseases. Various government ministries also have decrees prohibiting gender discrimination during recruitment and hiring. Enforcement clauses include the right to pursue civil damages through the courts. Penalties were commensurate to analogous laws. Some courts were reluctant to accept discrimination cases, and authorities at all levels emphasized negotiated settlements to labor disputes. There were few examples of enforcement actions that resulted in final legal decisions.

The government did not effectively enforce the laws. Discrimination in employment was widespread, including in recruitment advertisements that discriminated based on gender, age, height, birthplace, marital status, disability, physical appearance, and health status (see section 6).

Age discrimination in hiring and retention continued. The mandatory retirement age for women was 50 for those in blue-collar jobs and 55 for those in white-collar jobs. The retirement age for all men was 60.

In August local media reported the technology conglomerate Tencent “persuaded” employees older than 35 to resign to reduce staff and cut costs. Tencent downgraded or transferred employees with open-ended contracts who refused to

resign. Layoffs at Huawei during the year were similarly targeted at employees older than 34.

Workplace discrimination against women and LGBTI employees was common. In a survey of the LGBTI workplace experience, 20 percent of respondents affirmed they had experienced discrimination due to their sexual orientation, and approximately 10 percent of respondents said their employers included sexual minorities as a protected group in their diversity policies.

Several transgender workers filed lawsuits during the year after they were fired by their employers. In January a Beijing court ordered ecommerce company Dangdang to rehire a transgender woman after the company fired her when she took a leave for gender reassignment surgery.

In April, Human Rights Watch found 11 percent of the government's civil service job advertisements specified a preference or requirement for men; in 2018 and 2019 advertisements, 19 percent specified such a preference or requirement. Other examples of discrimination included job advertisements seeking pretty women, preferring men, or requiring higher education qualifications from women compared with men for the same job. Survey results showed women were less likely to be invited for interviews or called back for a second round of interviews. In interviews some women were asked whether they had or planned to have children and how many children they had.

On August 12, a female worker in Hangzhou was fired during her probationary period for failing to inform her employer she was pregnant during her job interview. To retain her position, the worker had an abortion, which spurred a social media debate about pregnancy-related employment discrimination.

There was employment-related discrimination based on geographic origin. NGOs and media reported some employers discriminated against job applicants from Wuhan city and Hubei, the province where COVID-19 was first detected. There also were multiple media reports businesses fired or failed to renew contracts for workers who had contracted the virus. The Supreme People's Court released guidance instructing lower courts not to support employers' claims of dismissing workers for COVID-19-related reasons, including individuals who tested positive for the disease, were quarantined, or hailed from COVID-19 "hot spots."

The hukou system remained the most pervasive form of employment-related discrimination, denying migrant workers access to the full range of social benefits,

including health care, pensions, and disability programs, on an equal basis with local residents.

### **e. Acceptable Conditions of Work**

There is no national minimum wage, but the law requires local and provincial governments to set their own minimum wage rates for both the formal and informal sectors according to standards promulgated by the Ministry of Human Resources and Social Security. By law employees are limited to working eight hours a day and 40 hours per week; work beyond this standard is considered overtime and must be paid at a premium.

The Ministry of Emergency Management sets and enforces occupational safety regulations. The National Health Committee sets and enforces occupational health regulations. The law requires employers to provide free health checkups for employees working in hazardous conditions and to inform them of the results. The law also provides workers the right to report violations or remove themselves from workplace situations that could endanger their health without jeopardy to their employment. By law identifying unsafe conditions is the responsibility of OSH experts, not workers.

Labor and social security bureaus at or above the county level are responsible for enforcement of labor laws. Companies that violate wage, hour, occupational safety, and health regulations face various penalties, including suspension of business operations, rescission of business certificates and licenses, or entry onto publicly available, local government-maintained “blacklists.” The Guangdong Human Resources and Social Security Department released “blacklists” of companies that had repeatedly not paid owed wages. A June 28 list documented a company in Zhongshan that owed nearly one million yuan (\$147,000) in wages to 124 employees.

The government did not effectively enforce the law. Penalties were commensurate with those for similar laws such as fraud or negligence. The number of inspectors was insufficient to enforce compliance. Inspectors did not operate in the informal sector. Inspectors have the authority to make unannounced visits and may initiate sanctions.

The government seldom enforced overtime laws, and 72-hour workweeks were common for a wide range of workers. Governments at various levels continued efforts to prevent arrears and to recover payment of unpaid wages and insurance

contributions. According to the Supreme People's Procuratorate, it prosecuted 25,635 cases of nonpayment of wages during the year, helping workers recover 340 million yuan (\$51.9 million) of unpaid wages. Prosecutions resulted in 1,375 arrests.

Nonpayment of wages including overtime and premium pay was exacerbated by the COVID-19 outbreak in many areas. On February 7, a Nanjing doctor reportedly died of exhaustion after working 18 straight days. Multiple labor NGOs reported problems such as delayed wage payments and unpaid social safety net benefits were widespread during the outbreak. In Wuhan sanitation workers were threatened with fines equivalent to twice their daily wages for missing work, according to a labor NGO's worker interviews. Local media reported on a February 17 protest by construction workers in Wuhan who had built the Huoshenshan COVID-19 hospital in 10 days. Workers said they had not been paid, worked 12-hour shifts with no breaks, were provided only one protective mask and bottle of water per day, and were exposed to COVID-19. Following the protest, one construction worker was confirmed to be infected with the virus.

Unpaid wages have been an acute problem for decades due to the prevalence of hiring subcontracted low-wage domestic migrant workers. Subcontracting made rural laborers susceptible to delayed payment or nonpayment for their work, prompting them to join in collective action. Even with contracts, migrant workers in particular had less access to benefits, especially social insurance. On September 11, subcontracted construction workers in Guilin, Guangxi, threatened to jump off a building unless they were paid for their work.

Companies relocated or closed on short notice due to the COVID-19-induced global economic downturn, often leaving employees without adequate recourse for due compensation. In March the Guangdong provincial government ordered the Dongguang Fantastic Toy Company to pay workers owed wages when the export-oriented manufacturer suddenly closed.

Workers in the informal sector worked longer hours and earned less than comparable workers in the formal sector. Workers in the informal sector often lacked legal and social benefits covered under labor contracts. Informal work was particularly prevalent for internal migrants and domestic workers; 90 percent of an estimated 35 million domestic workers lacked formal work agreements and protections.

Informal “employee sharing,” in which a company temporarily borrowed another employer’s workers, increased following the COVID-19 outbreak and led to labor disputes.

According to media reports, occupational diseases were prevalent and underreported. Patients came from many industries, including coal, chemical engineering, and construction. By the end of 2018, more than 870,000 cases of black lung disease had been reported.

Workplace accidents and injuries were particularly common and deadly in the coal industry. According to the Ministry of Emergency Management’s Administration of Coal Mine Safety, there were 48 coal mine accidents causing 74 deaths from January through June. On February 24, a coal dust explosion in Shandong killed three miners. A February 29 coal mine collapse in Luoping, Yunnan, left five dead. On August 20, seven individuals died when methane gas exploded in a coal mine in Shandong.

Work accidents were also widespread in other industries. Media and NGO reports attributed them to a lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses. On May 16, an explosion at a glue factory in Jiangsu killed two workers and injured eight others. On May 20, a wood plant collapse in Guangxi killed two persons and injured 27. On June 14, a total of 19 individuals died when a truck transporting liquefied natural gas exploded in Wenling, Zhejiang.

Workers in the gig economy were considered contract workers and not under the protections of the labor law. There were reports of app delivery drivers injured or killed on the job. On September 9, the magazine *Renwu* exposed how online platform algorithms created dangerous conditions for delivery drivers, including by shortening delivery times and issuing penalties for delays. The report prompted two major delivery firms to extend delivery times and reduce penalties for late deliveries.