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# CHINA 2022 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 24-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. There were reports that members of the security forces committed serious and pervasive abuses.

Genocide and crimes against humanity occurred during the year against predominantly Muslim Uyghurs and members of other ethnic and religious minority groups in Xinjiang. These crimes were continuing and included: 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 the country's birth control policies; rape and other forms of sexual and gender-based violence; torture of a large number of those arbitrarily detained; and persecution including forced labor and draconian restrictions on freedom of religion or belief, freedom of expression, and freedom of movement.

Significant human rights issues included credible reports of: 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 arrest and detention by the government including since 2017 of more than one million Uyghurs and members of other predominantly Muslim minority groups in extrajudicial internment camps, prisons, and an additional unknown number subjected to daytime-only “re-education” training; political prisoners; transnational repression against individuals in other countries; the lack of an independent judiciary and Communist Party control over the judicial and legal system; arbitrary interference with privacy including pervasive and intrusive technical surveillance and monitoring including the use of COVID-19 tracking apps for nonpublic-health purposes; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including physical attacks on and criminal prosecution of journalists, lawyers, writers, bloggers, dissidents, petitioners, and others; serious restrictions on internet freedom, including site blocking; substantial interference with the freedom 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, including torture and sexual violence; the inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; forced sterilization and coerced abortions; violence targeting members of national, racial, and ethnic minority groups; trafficking in persons, including forced labor; 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. Enforcement of laws on corruption was inconsistent and not transparent, and corruption was widespread.

## **Section 1. Respect for the Integrity of the Person**

### **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 a March 29 report, Amnesty International declared that the country “remained the world’s leading executioner, although figures on executions and death sentences remained a state secret.”

In Xinjiang there were reports of custodial deaths related to detentions in the internment camps. In August the Office of the UN High Commissioner for Human Rights (OHCHR) released an assessment that the People’s Republic of China (PRC) committed “serious human rights violations” some of which may “constitute international crimes, in particular crimes against humanity.”

There were multiple reports from Uyghur family members who discovered their relatives had died while in internment camps or within weeks of their release. In May, *Radio Free Asia* (RFA) reported that Yaqup Hesén died on April 20, days after authorities released him from a prison in Ghulja. An anonymous source said that “there are many” Uyghurs who died after being released from the nearby prisons and camps.

In March RFA reported Zeynebhan Memtimin died in prison in 2020 from unknown causes while serving a 10-year sentence for avoiding a forced abortion, and that Abdureshid Obul also died in prison in 2020, where he had been held after helping his wife escape from authorities to avoid undergoing a forced abortion.

On July 30, human rights nongovernmental organization (NGO) Rights Protection Network (RPN) reported that Lin Tianming was killed on June 28 in Fuzhou, Fujian Province, after submitting a petition at the Fujian People’s Government Petition Office to contest the forced demolition of his home. According to RPN, security personnel forced him into a van and later pushed him out of the moving vehicle, causing his death.

## **b. Disappearance**

Disappearances through multiple means continued at a nationwide, systemic scale.

The primary means by which authorities disappeared individuals for sustained periods of time is known as “Residential Surveillance at a Designated Location” (RSDL). RSDL codifies in law the long-standing practice of the detention and removal from the public eye of individuals the state deems a risk to national security or intends to use as hostages. The primary disappearance mechanism for public functionaries is known as *liuzhi*. Per numerous reports, individuals disappeared by RSDL and *liuzhi* were subject to numerous abuses including but not limited to physical and psychological abuse, humiliation, rape, torture, starvation, isolation, and forced confessions. According to an April 27 report by human rights NGO Safeguard Defenders, between 55,977 and 113,407 persons were placed into RSDL (and later faced trial) from 2015 to 2021.

Since 2017 the government has conducted mass arbitrary detention of Uyghurs, ethnic Kazakhs, Kyrgyz, and members of other Muslim and ethnic minority groups in Xinjiang. Amnesty International, Human Rights Watch, and other NGOs alleged these detentions amounted to enforced disappearance, since families were often not provided information concerning the length or location of the detention. The August Xinjiang assessment by OHCHR stated, “the onus remains on the Government to urgently clarify the fate and whereabouts of missing family members and to facilitate safe contacts and reunification.”

RFA reported in April that high school principal Dilmurat Abdurehim was missing since May 2021 after he left his home during the religious holiday of Eid al-Fitr. According to the report, municipal education officials confirmed in April that authorities had detained Abdurehim in Ghulja City, northwest of Urumqi. An education official told RFA he was unaware of how long Abdurehim had been detained and what the charges were and would not confirm whether he was being held in a prison or a re-education internment camp.

On May 24, RFA reported that Shandong-based petitioner Li Yu disappeared. Her friends and family reported that they were not able to reach her and that she may have been detained and placed under police surveillance. In the past Li made

public statements contesting the government's seizure of her home and farmland and served a six-year prison term for commemorating the 1989 Tiananmen Square protests.

Ye Hongwen disappeared after lighting a candle display at People's Square in Shantou, Guangdong, on June 4 to commemorate the 33rd anniversary of the Tiananmen Square massacre, according to Civil Rights and Livelihood Watch, a Chinese human rights news website. Ye's friends were unable to contact him after several days attempting to do so, leading NGOs to suspect police had detained him.

In June media reported that Ding Yan was forcibly disappeared after posting an open letter on May 11 that criticized Xi Jinping, the government's zero-COVID policy, and the citywide lockdown of Shanghai. She was reportedly committed to a psychiatric hospital and set to be released on June 1, but friends and family were unable to contact her.

According to RPN, former lawyer Tang Jitian continued to be held. Authorities took Tang into custody in December 2021 when he was due to attend a Human Rights Day gathering organized by the European Union in Beijing. RPN said Tang was held in a poorly ventilated room without windows, was beaten and subjected to rounds of sleep deprivation, was deprived of adequate medical care, and fell in a bathroom, suffering a concussion.

On March 24, RPN reported that He Fangmei remained forcibly disappeared since 2020, when she was seven months pregnant. Authorities told He's family members that they planned to prosecute her for "bigamy." According to Frontline Defenders, He's daughter was paralyzed after receiving a defective vaccine; He protested frequently and called for government accountability on behalf of children and families affected by faulty vaccines. On June 17, RPN reported that He's husband, Li Xin, a journalist and former editor of *nandu.com* (a news site), was arrested and sentenced to five years in prison with unknown charges. The whereabouts of their three children were unknown.

On May 12, media reported that Wang Debang, a former student leader and one of the first cosigners of the dissident Charter 08 petition, and his wife remained forcibly disappeared from their home in Guilin, Guangxi Autonomous Region.

RFA reported that Wang, detained several times in the past for his advocacy, and his wife were traveling in Hebei Province when they were detained.

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 Square 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, and Other Related Abuses**

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.

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.

Zhang Zhan, sentenced to four years' imprisonment in 2020 for her activities as a citizen journalist during the COVID-19 outbreak in Wuhan, was not allowed family visits or access to a lawyer by Shanghai prison authorities. When Zhang went on a hunger strike in 2021, prison officials force-fed her, tying and chaining her arms, torso, and feet.

At a May 10 press conference, Taiwan prodemocracy activist Lee Ming-Che said he was subjected to forced labor and inhuman treatment while imprisoned in Chishan Prison in Hunan Province; he was forced to shower in cold water, to eat

spoiled food, and subjected to psychological abuse including extended solitary confinement. Lee, convicted of “subverting state power” in 2017 and sentenced to five years in prison, was released in April and returned to Taipei.

On June 1, RFA published a letter from Cheng Yuan, a human rights defender and member of the antidiscrimination NGO Changsha Funeng, imprisoned in Chishan Prison after his 2019 arrest and conviction for “subverting state power.”

According to RFA, Cheng arrived at the prison in January and for the first three months was held incommunicado in a small dark room. In the letter he confirmed that he was subjected to forced labor, poor food and living conditions, and mental and physical abuse. His wife revealed that he had to work up to 15 hours a day and was exposed to harmful gases without protection.

On July 29, RPN reported that Yang Shaozheng, a former economics professor, was tried behind closed doors for “subversion of state power.” Previously Yang’s lawyer filed a complaint citing mistreatment in prison and the use of torture to coerce a confession. Yang reportedly fainted several times in prison and lost approximately 50 percent of his body weight.

On August 10, RFA reported that Sun Daluo, formerly known as Sun Zhiming, was tortured while held at Shenyang No. 1 Detention Center. He was forced to wear heavy shackles and was not permitted to speak, read, or buy food. Sun was detained in December 2021 on suspicion of “picking quarrels and provoking trouble” after he wrote and published a book called *History of Xi Jinping’s Powers and Techniques*.

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, Systemic Racial or Ethnic Violence and Discrimination).

The August Xinjiang assessment by OHCHR (which included interviews with 26 former detainees) stated, “Descriptions of detentions in the VETCs [vocational and

educational training centers] in the period between 2017 and 2019 gathered by OHCHR were marked by patterns of torture or other forms of cruel, inhuman or degrading treatment or punishment, other violations of the right of persons deprived of their liberty to be treated humanely and with dignity, as well as violations of the right to health.” OHCHR interviewed detainees who were subjected to periods of beatings with batons, electrical torture, hours strapped to a “tiger chair,” water boarding, and solitary confinement. Allegations were also made of instances of sexual and gender-based violence (SGBV) in VETC facilities, including of rape, which also appear credible and would in themselves amount to acts of torture or other forms of ill-treatment. OHCHR added that “the Government’s blanket denials of all allegations, as well as its gendered and humiliating attacks on those who have come forward to share their experiences, have added to the indignity and suffering of survivors.”

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 the Chinese Communist Party (CCP) to investigate corruption and other offenses, 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.

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.

On August 16, Safeguard Defenders published a report on police-run psychiatric prisons called *ankang* (peace and health), recounting how persons critical of the regime were involuntarily confined in psychiatric wards and forcibly medicated. Safeguard Defenders found records indicating that ankang facilities in 21 provinces forcibly confined 99 individuals, some of them on multiple occasions and in some cases for more than a decade.

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.

**Abusive 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 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, or warm clothing from relatives.

Conditions in administrative detention facilities were like those in prisons.

Detainees reported beatings, sexual assaults, lack of proper food, and limited or no access to medical care.

The Australian Strategic Policy Institute's Xinjiang Data Project satellite analysis indicated that Xinjiang has 385 detention centers. In some cases authorities used repurposed schools, factories, and prisons to hold detainees; observers indicated that authorities closed or repurposed makeshift detention centers in cities but built larger detention centers outside the cities. In April the *Associated Press* cited leaked Xinjiang police files indicating that one in 25 residents of Konasheher County had been sentenced to prison on "terrorism-related charges," which the *Associated Press* noted was an incarceration rate more than 30 times higher than the national rate. The names of those sentenced included 10,000 Uyghurs sent to prison. According to the "Xinjiang Police Files," the youngest was a girl, age 15, and the oldest was a man, age 73.

Reporting on conditions at a prison camp in Manas County, Changji Hui Autonomous Prefecture, in March, RFA noted that nearly 800 Uyghurs were detained in the camp. A former guard at the facility said that most of the detainees were arrested for "serious crimes," such as "people who prayed five times a day."

During the Shanghai COVID-19 lockdown from March to June, persons infected with COVID-19 were brought to mass isolation centers set up in schools, exhibition centers, and other public venues. In April *The New York Times* reported that these ad hoc detention centers were overcrowded, with very few washing facilities. Lights were kept on day and night, forcing patients to use cardboard to block the bright light. Detained patients also reported stopped toilets and garbage piled up next to their beds.

According to media reports, residents of Yili and Yining in Xinjiang posted complaints and requests on social media citing the poor conditions of centralized COVID-19 quarantine facilities. Yili residents complained of crowded makeshift hospitals, noting indoor temperatures reached 104 degrees Fahrenheit. With lockdown measures in place for more than a month, media reported that pregnant women had no access to hospitals. Posts noted residents in lockdown for several days had no access to vegetables or fruits, and one stated a man needing emergency medical care could not access the only hospital in the area with an

intensive care facility.

In September, RFA and the *Associated Press* reported that numerous persons in Xinjiang died from stringent implementation of the zero-COVID policy. The *Associated Press* reported residents were complaining of hunger and the lack of medical and daily necessities after more than 40 days in strict lockdown.

Authorities arrested Xinjiang residents for “spreading rumors” about the severity of the situation.

**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 whether the law was observed. 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 regarding 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 systemic. 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 (see section 1.b., for a description of RSDL and liuzhi.)

On August 31, OHCHR released an assessment of the human rights situation in Xinjiang. The report concluded that “the extent of arbitrary and discriminatory detention of members of the Uyghur and predominantly Muslim groups...may

constitute international crimes, in particular crimes against humanity.”

On September 6, Safeguard Defenders published a report on Residential Surveillance (RS), a form of house arrest used to detain an individual who is under investigation. Unlike the RSDL system, which allows police to place a suspect into secret detention at undisclosed locations, RS takes place at the suspect’s home. In some cases persons are allowed to receive visitors and use their telephone; in other cases they are isolated and barred from all communication, visits, or leaving the house. The report estimated it was used on at least 560,000 to 860,000 persons since 2012.

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.

There were allegations of detainee abuse and torture in the official detention system, known as liuzhi, of the National Supervisory Commission-Central Commission for Discipline Inspection (NSC-CCDI; see section 4). 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 was unclear. In February Bloomberg reported that liuzhi was applied not only to party members but also to business executives who fell out of favor with the government.

In May RFA reported that authorities detained approximately 30 teachers from one high school in Ghulja City in northwest Xinjiang. Local authorities confirmed to RFA that most of the detained teachers had been sent to “re-education” centers but noted seven teachers were sentenced to prison. Local officials told RFA that they could not divulge the charges against the seven teachers because the details were “state secrets.”

Guangzhou authorities continued to limit access to lawyers for journalist Sophia Huang and labor activist Wang Jianbing, according to media reports. They were detained in September 2021 for attempting to leave China via Hong Kong for the United Kingdom, where Wang intended to pursue graduate studies; authorities have been preventing them from meeting with their lawyers on grounds that their

cases involved “state security.” After a long period without public communication about them, Wang’s case was assigned to the Guangzhou Intermediate People’s Court in August, for which she was relying on a publicly provided lawyer, according to press reports.

There were no statistics available for the number of individuals in the liuzhi detention system nationwide. Several provinces, however, publicized these numbers, including Heilongjiang with 376 and Jilin with 275 detained, both in 2020. One provincial official heading the liuzhi detention system stated suspects averaged 42.5 days in detention before being transferred into the criminal justice system.

Police in Longyan, Fujian Province, detained activist Xiang Jinfeng on September 1, holding him in the Liancheng County Detention Center, according to media reports. Longyan police have detained Xian many times for circulating information about vulnerable groups online and for posting online remarks in 2019 commemorating the Tiananmen Square protests. In May 2019 Xiamen airport officials clipped Xiang’s passport, preventing his planned international travel.

### **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, although lengthy detention without access to lawyers

before charges were filed was common. Lawyers reported significant difficulties meeting their clients in detention centers, especially in cases considered politically sensitive.

Criminal defendants may 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.

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 and spiritual 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 or with soliciting prostitution.

**Arbitrary Arrest:** Authorities detained or arrested persons on allegations of revealing state secrets, subversion, and other crimes to suppress political dissent and public advocacy. These charges, as well as what constitutes a state secret, remained poorly 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 was unclear what this term means. Authorities also detained individuals 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 without officially issuing a charge or providing a reason. 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, the 20th Party Congress in October, annual plenary sessions of the National People’s Congress (NPC) and the Chinese People’s Political Consultative Conference, 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 vacations.

On April 13, RFA reported that authorities canceled a hearing for Wang Aizhong, a leader of the “Southern Street Movement” who remained in a Guangzhou prison since his detention in May 2021; authorities did not provide a reason to his attorneys. NGO Chinese Human Rights Defenders declared authorities told Wang’s wife he was arrested for his social media posts and for giving foreign media interviews.

According to *Bitter Winter*, an online magazine focused on religious liberty and human rights, on April 25, Yan Zhihong was arrested by local police for “picking quarrels and provoking trouble” after he translated a video by a German citizen criticizing the local government in Shanghai for COVID-19 quarantine measures during the lockdown.

On May 1, authorities forcibly entered the home of human rights activist Harvey Ji and his wife, a citizen of the Republic of Korea, in the Pudong district of Shanghai, and detained them, according to RFA and social media posts. While both were released on May 2, Ji remained under house arrest, and authorities confiscated his ID card, passport, and mobile phone. Ji said that authorities sought evidence that he incited local officials to resist central authorities’ anti-COVID lockdown

policies, media reported. Ji completed a three-year prison term earlier in the year for conducting a “toilet revolution” that involved an anti-Xi Jinping graffiti campaign in public restrooms. Ji published a petition in early April calling on the government to end its “zero COVID” policy, compensate companies for losses caused by the policy, and release those jailed during the pandemic for expressing themselves freely. In late August, Ji was reportedly again detained indefinitely by Shanghai authorities, including for his activism during the Shanghai lockdown.

On May 26, RFA reported that activist Chen Jianxiong was arrested in Hubei Province, and that local authorities stated the arrest was to “avoid future trouble.” Chen was arrested numerous times since 2013, during which he was tortured for expressing his political opinion, advocating for democratic constitutionalism, and participating in the 2013 Southern Street Movement, a series of protests in Guangzhou that called for greater freedoms.

On June 4, according to media reports, Xu Guang, who was involved in civil society advocacy in 1989, was detained by local police on suspicion of “picking quarrels and provoking trouble” after he held up a sign in front of a police station to demand the return of his confiscated mobile phone.

**Pretrial Detention:** Pretrial detention could last longer than one year. Defendants in “sensitive cases” reported being subjected to prolonged pretrial detention. Statistics were not published or made publicly available, but lengthy pretrial detentions were especially common in cases of political prisoners.

As of October, Beijing-based lawyer Li Yuhan, who defended human rights lawyers during the 2015 “709” crackdown on them, remained in detention at the Shenyang Detention Center where she had been held since 2017, charged with “picking quarrels and provoking trouble.” Media reported in August that her health had deteriorated and that her family called for her release on medical parole. In October 2021 her case went to trial, but no verdict was rendered. Due to Li’s poor health, her attorney submitted multiple requests to Shenyang authorities to release Li on medical parole, but the request was repeatedly denied.

As of October, China Human Rights Watch cofounder Xu Qin, detained in November 2021 on suspicion of “inciting subversion,” remained in detention,

although RFA reported her trial was suspended in May. Her lawyer stated the government suspended Xu's trial in retaliation for her refusal to plead guilty. Xu's health reportedly remains poor following three hunger strikes in while in detention. She was previously arrested in 2018 for speaking out on human rights matters and subsequently placed under RSDL until 2021.

### **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 national and local governments and the CCP, particularly in politically sensitive cases. The CCP directs court operations and approves all judicial and procuratorate appointments.

Corruption often influenced court decisions since safeguards against judicial corruption were vague and poorly enforced. 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.

### **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.

Authorities often closed trials to the public and used the state secrets provision to keep politically sensitive proceedings closed, sometimes even to family members, and to withhold a defendant's access to defense counsel.

Criminal defendants are eligible for legal assistance, but most criminal defendants

went to trial without a lawyer.

Human rights lawyers reported authorities did not permit them to defend certain clients or threatened them with punishment such as revoking licenses if they chose to do so; defendants in politically sensitive cases frequently found it difficult to find an attorney. Other government tactics to intimidate or otherwise pressure human rights lawyers included unlawful detention, vague “investigations” of legal offices, disbarment, harassment, physical intimidation, and denial of access to evidence and to clients.

Despite regulations that defense attorneys should be allowed to meet suspects or defendants, lawyers often had no pretrial access to their clients (especially in sensitive cases), had limited time to review evidence, and were not allowed to communicate with defendants during trials. Similarly, criminal defendants were frequently not assigned an attorney until a case was brought to court.

Mechanisms allowing defendants to confront their accusers were inadequate. 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.

Media reports indicated public security authorities used televised confessions to establish guilt before 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; 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.

According to media reports, activists Fan Yiping, Fan Wencheng, Lai Jianjun, Hu Tianfeng, and Qiao Lianhong were tried in secret in April. They were detained in 2020 on suspicion of “subverting state power” and held in RSDL.

According to media reports, on June 22 and June 24 respectively, civil activists

Ding Jiayi and Xu Zhiyong were tried in secret. The court limited public access because the cases involved “state secrets”; they were charged with “incitement to subvert state power” and “subversion of state power.” Relatives were not allowed to attend the trials and lawyers were warned not to speak with media. Rights groups called the trials “grossly unfair” and the charges “trumped up.” *Voice of Asia* reported that police officers broke into Xu’s sister’s hotel room in Linyi City and forced her to leave in the middle of the night. Ding and Xu were detained in 2019 for a meeting in Xiamen, Fujian Province, to organize peaceful civil society activities. Ding’s sister in 2021 alleged he had been subjected to torture in detention.

### **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 thousands of political prisoners (not counting persons held in Xinjiang) remained incarcerated, most in prisons and some in administrative detention. The government did not grant international humanitarian NGOs or UN agencies access to political prisoners.

Many political prisoners remained either in prison or under other forms of detention, including writer Yang Maodong (pen name Guo Feixiong); Uyghur scholars Ilham Tohti, Rahile Dawut, and Hushtar Isa, brother of Uyghur World Congress president Dolkun Isa; retired Uyghur medical doctor Gulshan Abbas; Uyghur entrepreneur Ekpar Asat; Tibetan Buddhist monk Go Sherab Gyatso; Tibetan Dorje Tashi; activists Wang Bingzhang, Chen Jianfang, and Huang Qi; 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, Tang Jitian, Chang Weiping, and Li Yuhan; blogger Wu Gan; citizen journalist Zhang Zhan; Shanghai labor activist Jiang Cunde; and others.

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 regarding the cases of their relatives.

*State Media Global Times* (an English-language daily newspaper under the *People's Daily*, the official newspaper of the Central Committee of the CCP) reported on August 4 that police in Wenzhou, Zhejiang Province, summoned Yang Zhiyuan of Taiwan for his “alleged involvement in Taiwan independence secessionist activities and of suspicion of endangering national security.” Yang reportedly is a founder of a minor proindependence political party in Taiwan. Media reports stated he was in Wenzhou for a boardgame tournament.

## **Transnational Repression**

The government and its agents engaged in acts to intimidate or exact reprisals against individuals outside of China, including against Uyghurs, dissidents, and foreign journalists.

**Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence:** Media reported that in October, officials at the PRC consulate general in Manchester, United Kingdom, including the consul general, dragged an individual protesting PRC policies in Hong Kong onto the consulate grounds and assaulted him.

**Threats, Harassment, Surveillance, and Coercion:** Reports continued throughout the year regarding PRC pressure on Xinjiang-based relatives of persons located outside China who spoke publicly about the detentions and other abusive policies underway inside Xinjiang. OHCHR’s August assessment found that the PRC’s abuses in Xinjiang “have transcended borders...by patterns of intimidations and threats against members of the diaspora community speaking publicly about experiences in [Xinjiang].”

In May RFA reported on the PRC's global surveillance efforts that seek to identify and silence members of the Xinjiang diaspora community. The report stated the PRC increased its efforts to narrow the space for ethnic minority communities and political dissidents living abroad, noting that between 2014 and 2021, the PRC had repatriated nearly 10,000 individuals.

RFA reported in May that authorities warned Uyghurs and others in Xinjiang that they “may suffer consequences if their relatives living abroad spoke out about internment camps in the region.” U.S.-based Kalbinur Gheni reported that her family in Xinjiang was approached by security officials and told, “Your daughter in the United States is speaking out against the government. If you don't talk to this girl and ask her to agree to delete everything on Twitter, you will be convicted of being a two-faced person yourself.”

PRC media and authorities continued to harass and defame women who spoke out about rape and sexual violence in Xinjiang internment camps. OHCHR's August assessment described the PRC's treatment of outspoken victims, noting the PRC often used “personal or gendered attacks against the women who have publicly reported these allegations.”

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.

A June Freedom House publication reported Uyghurs abroad and their families residing in the PRC were surveilled and intimidated via online and telephone harassment, and families in the PRC were threatened.

*Foreign Policy* reported on March 29 on PRC targeting of its diaspora, especially Hong Kongers, Uyghurs, Tibetans, and Chinese dissidents, in countries such as the United Kingdom and Morocco. They reported threatening calls, cyberattacks, and harassment, including of family members in the PRC.

On March 16, *The Guardian* revealed several cases in which PRC government agents were spying and harassing dissidents in the United States, a theme that the

*Los Angeles Times* repeated on March 18, highlighting the surveillance and harassment of a Chinese artist residing in the United States who was critical of the PRC government. In one case PRC government agents spied on a human rights NGO based in Washington.

On July 7, several news outlets reported that a PRC operative bought confidential and sensitive personal information from a restricted government database regarding several Chinese dissidents living in the United States; the information included passport photographs, flight records, and immigration records.

During the year multiple sources reported on attempts to suppress media and expression critical of the PRC regardless of language or location with threats and harassment. Freedom House reported that PRC officials intimidated and harassed journalists in more than 24 countries in response to their coverage of the PRC. The government used cyberbullying, fake social media accounts, and targeted disinformation campaigns.

In June the Australian Strategic Policy Institute (ASPI) reported that the PRC government initiated online harassment campaigns against foreign correspondents both within and outside of China. Per ASPI, “the most malicious and sophisticated aspects of this information campaign are focused on women of Asian descent.” A harassment campaign launched on April 19 targeted *New Yorker* magazine’s staff writer Jiayang Fan; ASPI found 367 spurious Twitter accounts amplified the hashtag #TraitorJiayangFan. Similarly in May, *New York Times* reporter Muyi Xiao and Washington, DC-based video journalist Xinyan Yu became targets of abuse from trolls linked to the CCP. At least 112 different accounts posted more than 500 tweets targeting Xiao within 24 hours; 54 of the 112 accounts were created on April 15. ASPI reported that inauthentic pro-CCP Twitter accounts harassed other woman journalists of Asian descent, including Alice Su, Mei Fong, Lingling Wei, and Jane Li.

In a July 20 ASPI research paper, *Assessing the Impact of CCP Information Operations Related to Xinjiang*, researchers quoted Xi Jinping stating “online public opinion work should be the top priority of propaganda and ideological work” and that China “must grasp the initiative in this public opinion battlefield” against the West.

According to a September report by Safeguard Defenders, from April 2021 to July 2022, PRC authorities “persuaded” 230,000 PRC nationals to return to China to face criminal proceedings outside formal judicial cooperation channels, often using coercive tactics such as denying suspects’ children the right to education in China. In December, Safeguard Defenders reported the PRC had established 102 “police ‘service stations’” across five continents, some of which carried out “persuasion to return” efforts against PRC nationals.

**Misuse of International Law Enforcement Tools:** There were credible reports the PRC attempted to misuse international law enforcement tools for politically motivated purposes as a reprisal against specific individuals located outside the country.

On June 2, Freedom House reported that the PRC misused international law enforcement organizations and partnerships, such as with Interpol, to target and deport Uyghurs from other countries to China.

**Efforts to Control Mobility:** There were reports the PRC attempted to control mobility to exact reprisal against citizens abroad. Authorities refused to renew passports for Uyghurs living abroad.

**Bilateral Pressure:** There were credible reports that for politically motivated purposes the PRC attempted to exert bilateral pressure on other countries aimed at having those countries stop criticizing the PRC for its human rights abuses or take adverse action against specific individuals or groups.

In May, RFA reported on the detention of four Uyghurs in Saudi Arabia; Saudi police reportedly told a mother and daughter detained during the year that they would be sent back to China. The report said two others were originally detained in 2020 (while on a pilgrimage to Mecca) at the request of the PRC embassy.

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

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.

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.

While the central government technically prohibits local authorities from 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. Detentions often went unrecorded and often resulted in brief periods of incarceration in extralegal “black jails.”

### **Property Seizure and Restitution**

There continued to be reports that local governments forcibly seized and demolished the homes of citizens without providing adequate replacement housing or financial restitution. Property-related disputes between citizens and authorities sometimes turned violent. These disputes frequently stemmed from local officials’ collusion with property developers to pay little or no compensation to displaced residents, a lack of effective government oversight or media scrutiny of local officials’ involvement in property transactions, and a lack of legal remedies or other dispute resolution mechanisms for displaced residents. There were reports of authorities detaining and harassing displaced residents when they petitioned for compensation. The problem persisted despite central government claims it had imposed stronger controls over illegal land seizures and taken steps to standardize compensation.

### **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 did not respect the privacy of citizens. Although the law requires warrants before officers may 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 routinely monitored telephone calls, text messages, faxes, email, instant messaging, social media apps, and other digital communications intended to remain private, particularly of political activists. 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.

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.

According to media reports, the Ministry of Public Security used tens of millions of surveillance cameras throughout the country to monitor the public. Human rights groups stated authorities relied on 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. 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 and in other Tibetan areas (see Special Annex, Tibet). The law allows security agencies to cut communication networks during “major security incidents.” Government entities collected genetic data from residents in Xinjiang with unclear protections for sensitive health data.

In June Internet Protocol Video Market, a security and technology research group, reported that Xinjiang authorities used state-owned technology company Hikvision’s facial recognition cameras to carry out widespread surveillance of Uyghurs in Xinjiang. The report stated that police screened “23 million Xinjiang

residents for ‘terrorism’ with facial recognition and license plate cameras, flagging those with ties overseas for ‘immediate arrest.’”

Government authorities also interfered in families’ living arrangements when a family member was involved in perceived sensitive political activities.

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 the government’s goal was 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 national government levels, as well as separate “private” social credit systems operated by several technology companies. These systems collected 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. These agencies often collected information on academic records, traffic violations, social media presence, friendships, adherence to birth control regulations, employment performance, consumption habits, and other topics.

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 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 practice subjecting social media to censorship, human rights activists reported authorities questioned them regarding their participation in human rights-related chat groups, including on WeChat and WhatsApp. Authorities monitored the groups to identify activists, which led to increased self-censorship on WeChat.

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, Reproductive Rights).

Authorities at times abused measures to minimize COVID-19 transmission. There were reports of ubiquitous surveillance, home detentions, forced centralized quarantine, denial of employment, and lockdowns in major metropolitan areas and smaller cities, affecting millions. Authorities required most adults to download and use specialized “health-kit” and “itinerary” apps on mobile devices to track COVID-19 testing results, vaccinations, and movement of individuals; there were credible reports that these apps were used for nonpublic-health purposes to restrict the movement of individuals. There were reports of invasion of privacy, as police and sanitation units forcibly entered homes to test residents, take residents to centralized quarantine, and break up small group gatherings. There were numerous reports that the government’s zero-COVID measures were used for nonpublic-health purposes.

Guangzhou health and police officials forcibly entered more than 100 apartments on July 10 after the residents were relocated to centralized COVID-19 quarantine facilities; they entered to search for residents evading mandatory relocation and to disinfect the properties, local media reported.

## **Section 2. Respect for Civil Liberties**

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

## Other Media

The constitution states citizens “enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.” Authorities, however, limited and did not respect these rights, 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 Expression:** Citizens often avoided discussing political matters, leaders, or “sensitive” topics for fear of official punishment. Authorities 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 comments deemed politically sensitive in public speeches, academic discussions, or remarks to media, or who posted sensitive comments online, remained subject to punitive measures, as did members of their families. 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 authorities. The threat of peer-to-peer observation and possible referral to authorities further eroded freedom of speech.

On May 5, the Chengjiao People’s Court in Sanya, Hainan, sentenced Luo Changping, an internet influencer who in October 2021 made “insulting” remarks about a movie regarding the Korean War, to seven months’ imprisonment and was ordered to make a public apology, according to *Radio France International*.

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.

This trend was especially stark in Xinjiang, where the government ran 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 operated 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 extensively used mobile phone apps, cameras, and other electronics to monitor all speech and movement. Authorities in Xinjiang employed a comprehensive database that tracked the movements, mobile app usage, and even electricity and gasoline consumption of inhabitants in the region.

Numerous ethnic Uyghurs and Kazakhs living overseas were intimidated into silence by threats from government officials 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 (see section 1.e., Transnational Repression).

The government restricted 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.

Control of public depictions of President Xi was severe, 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 it to represent Xi. Social media sites did not allow comments related to Xi and other prominent PRC leaders.

Censors removed arguments posted by Guangdong University of Finance and

Economics professor Tong Zhiwei on the legality of Shanghai's COVID-19 lockdowns early in the year and suspended his Weibo account, according to an overseas site tracking censorship. Tong had challenged the government's legal authority to create makeshift hospitals and to require residents provide access to their homes.

In May the CCP issued a notice warning retired members not to “make negative political comments” and that “violations of disciplinary rules should be dealt with seriously.” The notice stressed that party departments should ensure that retired cadres and party members “listen to the party and follow the party.”

On April 18, RFA reported that censors deleted lists of persons who died during COVID-19 lockdowns in Shanghai and blocked a website that hosted the information. According to RFA, this list included at least 152 individuals whose deaths were a result of the government's zero-COVID policy, including suicides of persons locked in high-rise apartments. RFA reported that authorities censored a rapper's video of his song “New Slave” about the Shanghai lockdown.

On April 22, a compilation of recorded telephone calls by Shanghai-based citizens to local authorities pleading for support, named “Voices of April,” gained public attention. The recordings revealed individuals pleading for food and medicine; in one case parents complained that their baby was taken from them to a quarantine facility after having tested positive for COVID-19. Authorities attempted to censor the video, but it spread as individuals added content such as film trailers and cat videos to its beginning to evade censors. By the afternoon of April 23, censors had deleted the video from PRC internet and social media apps.

In May university students in Tianjin began an online campaign to end COVID-related campus lockdowns before censors began blocking their posts. Using a range of social media platforms and hashtags, students questioned why local authorities were continuing campus lockdowns after two weeks with no reported community spread. As censors began deleting hashtags such as “#Haven'tTianjinUniversitiesAlreadyReopened” and “#ReopenNankaiUniversity,” students started using names of celebrities for hashtags to evade censors until they were eventually blocked as well, according to media reports.

On May 18, current affairs magazine *The Diplomat* reported that the government was censoring prominent voices that were discussing the government's COVID-19 lockdown policy. For example, authorities censored an article published in the *National Science Review* by Dr. Zhong Nanshan, a respiratory disease specialist, who suggested ways to ease the country's COVID-19 restrictions. The government also censored a post by Dr. Miu Xiaohui, a retired infectious disease expert, calculating how many persons with diabetes might have died from lack of treatment during Shanghai's lockdown. Media reported that authorities censored a post by prominent businessman Wang Sicong questioning the efficacy of traditional Chinese medicine as a treatment for COVID-19.

On June 4, the 33rd anniversary of the Tiananmen Square massacre, various social media accounts reported that WeChat users were unable to change their profile picture. To censor social media expressions of commemoration, Weibo blocked the candle, fallen leaf, and birthday cake emojis as well as Chinese characters standing for "64", a stand-in for "June 4th," a phenomenon that website *What's on Weibo* documented as having occurred every year on June 4 for the past decade.

Media reported that in June popular Taobao live streamer Li Jiaqi, known as "Lipstick Brother," dropped his live stream in the middle of recording when a tank-shaped cake appeared on camera. While he claimed that it was due to an equipment malfunction, Li disappeared from all social media accounts and from the public eye for three months, according to media reports. He started streaming again in September.

Also in June according to *China Digital Times*, provincial authorities took measures to stop residents from commemorating the anniversary of the July 2021 floods in Henan Province that killed nearly 400 persons. Authorities reportedly prevented florists from selling flowers to anyone intending to place them in memory of the victims, plainclothes police were observed removing flowers near metro stations where individuals had drowned, and Weibo censored the hashtag "#One Year Anniversary of July 20th Torrential Rains in Zhengzhou, Henan Province#."

Media reported that following the June 10 attack on women in Tangshan, Weibo suspended more than 900 accounts for instigating "gender confrontation" and for

“spreading rumors.”

On June 14, *China Digital Times* revealed that authorities censored a WeChat account that posted a folk song called “Don’t Drink the Celebratory Toast.” The song advised listeners not to forget what happened during Shanghai’s COVID-19 lockdown. It also featured the catchphrase “We are the last generation,” alluding to a popular video that was released during Shanghai’s lockdown showing a local police officer who urged a Shanghai resident to comply with COVID-19 restrictions “to avoid impact on the next generation.” The man countered, “We are the last generation.”

Following the assassination of former Japanese Prime Minister Shinzo Abe, RFA reported on July 10 that a teacher in Tangshan was punished after he criticized online commenters for celebrating Abe’s death. His former employer, Tangshan Normal University, released a statement that the remarks on his Weibo account would be investigated. His post was deleted and his Weibo account banned, media reported.

On July 14, *What’s on Weibo* posted Weibo’s announcement that it would crack down on the use of homophones by internet users in order to create a more “healthy online environment and stop the spread of misinformation.” The announcement referred to the use of “misspelled words” to avoid censorship. According to the article, Chinese internet users started using the characters for the word *Helan*, the Mandarin pronunciation of the Netherlands, because it sounds very similar to Henan Province, enabling discussion of protests of a banking scandal in Henan.

In July the National Radio and Television Administration and the Ministry of Culture and Tourism published new rules banning 31 “misbehaviors” by livestreaming hosts. According to media reports, hosts must “uphold correct political values and social values” and should not release or show anything that “undermines the leadership of the Chinese Communist Party.” The directive stated that those who violated these rules would be placed on a blacklist and banned from livestreaming.

On August 10, news outlets reported that the government suspended the social

media accounts of major e-health provider DXY for questioning the promotion of a traditional Chinese medicine to treat COVID-19. The medicine came under scrutiny during the Shanghai lockdowns when it was delivered to households at government expense while households were struggling to obtain food and supplies.

Nonprofit news platform *Coda* reported in September that authorities censored online commentary critical of the “dynamic zero-COVID policy” implementation in Xinjiang. After authorities began implementing a severe lockdown across the region, Xinjiang residents began to report on several platforms that the lockdown had led to food shortages, denial of non-COVID related emergency medical care, and the inability to purchase basic goods. Censors moved quickly to remove critical comments and videos, as well as to drown out such comments with positive stories about Xinjiang culture.

Media reported that on October 13 (just before the 20th Party Congress), Peng Lifa (pen name Peng Zaishou) disguised as a construction worker unfurled two banners on a highway overpass in Beijing criticizing Xi Jinping and the zero-COVID policy. He was dubbed “Bridge Man” by commentators and was reportedly detained soon after his act. References to, pictures of, and commentary about his protest banners on social media were quickly censored. According to RFA, on October 16, authorities in Zhejiang Province detained and interrogated an individual who supported Bridge Man’s banner protest online; his mobile phone was scanned by police for photographs and contacts. Artist Xiao Liang was also reportedly detained by authorities in mid-October after posting a photograph of a portrait he painted of Peng.

**Violence and Harassment:** The government frequently impeded the work of members 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 overseas-based journalists working for RFA's Uyghur Service remained disappeared or detained in Xinjiang.

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. Long-standing journalist contacts continued to decline off-the-record conversations, even concerning nonsensitive topics. So-called taboo topics included not only Tibet, Taiwan, and corruption, but also natural disasters, the #MeToo movement, and COVID-19 policies.

During the year authorities imprisoned numerous journalists working in traditional and new media. The government also silenced numerous independent journalists by restricting their movement under the guise of pandemic response. Reporters Without Borders' *2022 World Press Freedom Index* tallied at least 102 journalists (professional and nonprofessional) detained in the country. Of these, 60 came from Xinjiang.

The Foreign Correspondents' Club of China (FCCC) 2021 report on media freedoms, released in January, found that the government continued to intimidate foreign correspondents, their local Chinese colleagues, and individuals they interviewed through physical assaults, online trolling, cyber hacking, and visa denials. Ninety-nine percent of foreign journalists said that reporting conditions did not meet what they considered to be international standards. Authorities also encouraged individuals to file lawsuits or threaten legal action against foreign journalists. Even individuals who explicitly agreed to media interviews later filed lawsuits against foreign correspondents.

The FCCC survey reported that nine foreign correspondents were sued or threatened with legal action by sources or government entities. Nearly a quarter of respondents said they faced online smear campaigns encouraged or instigated by state or state-backed groups, while 62 percent of respondents said they were obstructed at least once by police or other government officials.

Reporting in Xinjiang continued to be difficult. While more correspondents were allowed to travel to Xinjiang in 2021 than in 2020, they faced surveillance and

harassment. Of the surveyed journalists who traveled to Xinjiang, 88 percent reported that they were visibly surveilled, 44 percent stated that authorities disrupted their interviews, and 34 percent were forced to delete video footage and photographs.

Local employees working for foreign press outlets reported considerable 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, a subordinate unit of the Diplomatic Service Bureau 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 with information that projects "a good image of the country." Multiple foreign outlets reported a continuing inability to hire the number of local staff members that they wished, saying authorities continued to impose an unofficial cap of one local researcher per foreign correspondent from media outlets out of favor with authorities. Some outlets even reported trouble getting the Diplomatic Service Bureau's permission to hire a single local researcher per correspondent. New staff were wary of taking on responsibilities that might be considered politically sensitive, limiting their portfolios and contributions.

According to Freedom House, foreign correspondents in the country were "subjected to mass expulsions or visa rejections based on nationality, attempted interrogations in connection with national security charges, and questionable lawsuits by sources who had explicitly agreed to be interviewed."

Government officials also sought to suppress journalism outside their borders; see section 1.e., Transnational Repression.

Fan Ruoyi (Haze), a journalist for Bloomberg detained in 2020, was released on bail in January but was still under investigation for endangering national security.

On February 2, *What's on Weibo* reported that a Dutch reporter was dragged away by a security guard during a live broadcast for the Dutch channel NOS while reporting on the Winter Olympics from Beijing. According to the article, editor in

chief of *NOS Nieuws* Marcel Gelauf noted that the incident was “a painful example of the current state of press freedom in China.” The security guard later claimed the reporter was standing in a restricted area and did not identify himself, media reported.

While hosting the 2022 Winter Olympic and Paralympic games, PRC authorities warned athletes, coaches, and other participants to avoid “any behavior or speeches” that “violated Chinese laws and regulations.” Recipients understood this as a warning to avoid discussing any sensitive topic with the press. The FCCC reported that security officers prevented reporters from interviewing residents near the Olympic skiing venue. Authorities told reporters that all reporting in public areas required approval. Journalists reported that PRC officials were particularly sensitive about filming anything Olympic-related such as merchandise stores or the Olympic logo. *The Washington Post*’s China bureau chief reported that online trolls inundated her account with vitriolic comments following a report on the Olympics mascot. Officials reportedly followed and attempted to impede the reporting of National Public Radio’s China correspondent.

On March 4, Beijing police visited Spanish journalist Jaime Santirso and questioned him about his coverage of the National People’s Congress.

Citizen journalist Wang Jixian was threatened with violence by online trolls because his reporting videos from Ukraine did not support the PRC’s narrative about the war.

On June 12, police in Tangshan detained and mistreated reporter Zhang Weihang, who was reporting on the violent assault on four women at a local restaurant on June 10. On June 18, RPN reported that a reporter from Fuzhou was quarantined for COVID-19 in his home after he announced in a WeChat group that he would like to go to Tangshan to investigate the case. RFA reported on June 21 that authorities in Tangshan detained and interrogated journalists who arrived in the city to cover the beatings.

On August 9, independent journalist Mao Huibin was arrested and held at the Tangshan Number 1 Detention Center for allegedly publishing articles on the women who were beaten in Tangshan, according to media reports. Mao was

charged with “picking quarrels and provoking troubles” after his inquiry into the whereabouts of the women.

On November 27, journalists from at least four foreign media outlets were detained while covering demonstrations in Shanghai. A *Reuters* journalist was detained for approximately 90 minutes before being released. A BBC reporter was beaten and kicked by police officers and taken away in handcuffs. The BBC reported “no official explanation or apology” for the incident was given by authorities beyond a claim by officials who later released him that they had “arrested him for his own good in case he caught COVID from the crowd.” A correspondent and camera operator from the Swiss television network RTS were detained and their video equipment confiscated following a live broadcast from a protest site. An *Associated Press* journalist was tackled and hit repeatedly on his head by police and taken to a police station before being released.

Authorities continued to suppress any reporting related to the 1989 massacre in Tiananmen Square. RFA reported in June that journalist Gao Yu was placed under house arrest in Beijing prior to the 33rd anniversary of the Tiananmen Square crackdown. A founding member of the banned China Democracy Party, Zha Jianguo, claimed that police warned him not to speak to the media concerning the anniversary. A representative of the Tiananmen Mothers victims group also reported that she had been banned from giving media interviews.

**Censorship or Content Restrictions for Members of the Press and Other 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 topics 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.

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. They faced serious penalties for crossing those lines, which were often vague, subject to change at the discretion of propaganda officials, and were enforced retroactively. Propaganda authorities forced newspapers and online media providers to fire editors and journalists responsible for articles deemed inconsistent with official policy and suspend or close publications. Government authorities asserted control over technologies such as livestreaming and continued to pressure digital outlets and social media platforms.

The CCP Central Propaganda Department ordered media outlets to adhere strictly to the information provided by official departments. Directives warned against reporting on topics such as 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. Popular livestreaming and messaging platforms WeChat and YY continued censorship protocols.

Because the CCP did not consider internet news companies "official" media, they were subject to debilitating regulations and barred from reporting on potentially "sensitive" stories.

Citizen journalists faced a difficult climate, with authorities seeking to control content published through social media, including "self-media" or "we-media" accounts. These are typically blogs operated independently on social media without official backing from established outlets. Self-media was one of the biggest emerging trends, with a report by the State Information Center noting that in 2020 online media accounted for 80 percent of the country's media market. The

restrictions had the effect of clamping down on self-employed reporters, who also could not be accredited by the National Press and Publication Administration, which administers tests and grants the licenses required for citizens to work in the profession. Unaccredited reporters may face legal fallout or even criminal charges.

Newscasts from overseas news outlets, largely restricted to hotels and foreign residence compounds, were subject to censorship. Articles on sensitive topics were removed from international magazines. Television newscasts were often blacked out during segments on sensitive subjects.

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. All books and magazines continued to require state-issued publication numbers, which were expensive and difficult to obtain. 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.

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 deleted online comments regarding the March 21 crash of China Eastern Airlines flight MU5735 and restricted journalists from accessing the crash site. According to media reports, reporter Du Qiang was prohibited from visiting the site of the crash. China Media Project, a media studies center based at the

University of Hong Kong, reported an announcement by the Cyberspace Administration of China (CAC) on March 28 that it was tracking down the source who was sharing “illegal information” and spreading “conspiracy theories” about the MU5735 crash. The CAC reported removing more than 279,000 pieces of “illegal and irregular information” from the internet, deleting 2,713 users accounts, and closing 1,295 discussion topics.

Media reported that journalists were restricted from visiting Tangshan where on June 10, a group of men was recorded beating several women. CNN reported that local authorities tightened COVID-19 travel restrictions and journalists trying to report on the incident were interrogated and harassed.

On June 10, *The Guardian* reported that the local government in Shanghai issued directives restricting use of the term “lockdown” for media reporting on the COVID-19 lockdown in Shanghai. According to media reports, the directive stated that local media should not use the term “ending the lockdown” as, unlike in Wuhan, Shanghai authorities had never formally announced a lockdown.

Authorities censored articles from official government sources. In August the PRC think tank Anbound Research Center published a white paper on the country’s COVID-19 measures and said that “it was time for China to adjust epidemic prevention and control policies.” The authors argued that “China’s economy is at risk of stalling and the biggest influencing factor is the impact of the epidemic...the so-called ‘epidemic impact’ is not the epidemic itself but the impact of epidemic prevention and control policies.” The paper was quickly deleted from Anbound’s website and censored on social media platforms.

Following Russia’s full-scale invasion of Ukraine in February, censors ordered news outlets and social media accounts to avoid any criticisms of Russia or favorable comments about NATO.

**Libel/Slander Laws:** By law defamation may be punished by up to three years’ imprisonment; truth is not a defense.

**National Security:** Authorities often justified restrictions on expression on national security protection grounds. 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.

Media reported that on July 26, Shandong poet and advocate Lu Yang was secretly sentenced to six years in prison in Shandong Province for “subversion of state power.” In 2020 Lu released a video calling for Xi Jinping to step down and to “end the CCP dictatorship.” He was subsequently detained on suspicion of “inciting subversion of state power” and later arrested for “endangering national security.” His wife was harassed after the sentencing, with government agents telling her not to give interviews to foreign media. They threatened that she would be required to resign from her job and not be able to provide for her family. The family’s assets were confiscated.

## **Internet Freedom**

The government tightly controlled and highly censored domestic internet usage, monitoring private online communications without appropriate legal authority. The CAC operated a website called the Reporting Center for Illegal and Undesirable Information, where internet users can report information deemed harmful to the PRC, including political information.

Domestic internet authorities led by the Cybersecurity Defense Bureau targeted individuals accused of defaming the government online, whether in public or private messages. The CAC directly manages internet content, including online news media, and promotes CCP propaganda. It enjoyed broad authority in regulating online media practices and played a large role in regulating and shaping information dissemination online.

On June 26, the CAC promulgated new provisions on internet user account information; internet service providers are required to verify accounts that contain content or logos involving the state or government agencies to prevent someone misleading the public. These provisions also require that all accounts seeking to produce content on specialized topics provide their professional qualifications. On November 16, the CAC issued regulations requiring internet users to use their real name when commenting or “liking” a post and stating users would be warned for posting “negative” information or for spreading rumors.

The government employed 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. 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.

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 were subjected to automatic filtering of chat messages and images, limiting their ability to communicate freely.

The popular communication app WeChat remained heavily censored. Posts regarding sensitive topics such as PRC politics disappeared when sent to or from a China-registered account. Authorities continued to use the app to monitor political dissidents and other critics, some of whom were detained by police or sentenced to prison for their communications. Chinese citizens moving abroad who continued to use an account created in China were still subject to censorship.

During the 20th Party Congress in October, media reported that WeChat suspended accounts and censored group chats if users sent or forwarded information deemed politically sensitive. Censors also expanded the list of terms blocked on WeChat and other Chinese social media platforms such as Weibo and Douyin. WeChat disallowed those who posted or shared critical messages from submitting messages in group chats, or blocked accounts altogether.

The 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 permits security agencies to cut communication networks across an entire geographic region during “major security incidents.”

Media reported that on November 29, the CAC issued new regulations on digital media in response to nationwide protests against COVID-19 restrictions that took place in late November. There were numerous credible reports of content deemed to express support for the protests being removed from PRC social media platforms. Leaked directives also instructed censors to activate a “Level I Internet Emergency Response” and to crack down on tools used to circumvent the “Chinese Firewall,” such as virtual private networks (VPN), virtual private servers, web accelerators, and overseas accounts.

The government continued efforts to limit VPN 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 and state-run media outlets, for example, regularly posted in Chinese and English on Twitter, Facebook, and YouTube. Encrypted communication apps such as Telegram and WhatsApp and VPN services were regularly disrupted, especially during “sensitive” times of the year and important political events, as *The Economist* observed on June 30.

The government blocked thousands of foreign websites, including many major international news and information websites such as those of 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, Clubhouse, Signal, and Wikipedia. Despite being blocked, Twitter and other foreign social media were estimated to have millions of users in the country, including government and party officials and prominent journalists and media figures. 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 Hong Kong prodemocracy protests, Taiwan, the Dalai Lama, Tibet, Xinjiang, the 1989 Tiananmen Square massacre, and criticism

of the government's zero-COVID policy and foreign policy priorities.

Social media posts reported that internet searches for prominent human rights defenders were censored. A search for “Xu Zhiyong” on Baidu and other social media sites like Sina Weibo, Baidu PostBar, and Tencent/Sogou's Weixin showed no results, while the same Yahoo! search returned more than 300,000 results. Baidu also deleted its wiki article on Xu Zhiyong. A Twitter user noted that Baidu PostBar had forums dedicated to “1988” and “1990” but searches for “1989” received the following notice: “In accordance with relevant laws, regulations, and policies, relevant results have not been displayed.”

Twitter feeds documented the suspension of a Guangzhou company's Weibo account in February for posting a cartoon featuring Olympic mascot Bing Dwen Dwen in a manner reminiscent of the 1989 Tiananmen Tank Man photograph.

On April 21, Rest of the World, an international NGO focused on journalism and technology, reported that the government penalized social media network Douban for “insufficient censorship.” Authorities fined the company 10.5 million yuan (\$1.65 million) and removed its app from Android app stores in China in December 2021. According to Rest of the World, in March the CAC sent a task force to the Douban office to supervise its “rectification.”

On May 19, The Citizen Lab, a Toronto-based academic center focused on communication technologies and human rights, released a study which found that the Microsoft Bing search engine censored searches for what the PRC deemed politically sensitive topics and individuals, such as CCP leaders or political dissidents. The report further found that the censorship affected users in the PRC and North America, in English and Mandarin.

In May The Brookings Institution published a report titled *Winning the Web* that found the PRC's amplification of its narrative on Xinjiang and COVID-19 had “exploited search engine results” of Google, Bing, and YouTube. The report found that on these platforms, news searches would frequently return “state-backed content.” For example, “Xinjiang” returned one Chinese state media outlet in the top 10 results in 88 percent of the searches, and on YouTube, state media appeared in the top 10 results in 98 percent of “Xinjiang” searches. The report further found

that at least “19 different sources that are not officially affiliated” with the PRC regularly republished PRC state media content “verbatim.”

Media reported state-led online efforts to discourage individuals from openly supporting women’s rights. On July 15, *The Diplomat* reported that the CCP “tacitly encouraged” cyberbullying of Chinese feminists. The Party’s All China Women’s Federation published an editorial in 2021 claiming that “adhering to the leadership of the party” was fundamental to the development of “Chinese women’s cause” and warned of some “Western feminist organizations.”

On July 27, *China Digital Times* revealed how Xiaohongshu (a Chinese social media company) censored words and topics to comply with central government censorship guidelines. CAC censorship directives were to be implemented in “real-time.” According to *China Digital Times*, censored discourse included topics such as carjackings, landslides, disease outbreaks in livestock, labor strikes, geographic discrimination, public criticism of the CCP, and student suicides.

After former General Secretary Hu Jintao was forcibly escorted from the 20th Party Congress on October 22, searches for videos of “Hu Jintao” on Baidu only returned state media photographs of him in his former leadership role. Baidu and Tencent Sogou responded to users who searched for “Hu Jintao” with an automated response that the search was either censored or unavailable.

The government censored business and economic information.

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

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.

## **Restrictions on 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, domestically and abroad, 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 were 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 controlled appointments to most leadership positions at universities, including department heads. For example, Renmin University and Nankai University named new presidents in August who had CCP affiliations but little academic experience. While CCP membership was not always required 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) were 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 was restricted, and domestically produced textbooks were under the editorial control of the CCP.

Censorship, indoctrination, and surveillance across all universities led to narrower student participation in academic discussion and a further erosion of academic freedoms. The CCP pressed universities to not only observe and report ideological problems among students, including their online comments, but also to educate others to “correct” Western thinking.

In February authorities began restricting mentions of the Russian war against

Ukraine in academic sources. In March five prominent Chinese history professors wrote an open letter calling for peace, expressing their opposition to the war, and expressing firm support for the Ukrainian people defending their country. Censors removed the publication after one hour, and some commenters called the professors “traitors.” In April provincial governments required university teachers to attend lectures to “correct” their thinking on the war in Ukraine to align with the official PRC line.

The popular audio streaming platform Mao’er FM announced on August 23 that due to “technical reasons” it had taken down several of its *danmei* (love stories between two male characters) radio dramas.

Some additional monitoring measures using advanced technology were reported with the start of the new academic year. In August according to China Central Television, many schools distributed pens equipped with video cameras to elementary school students to monitor the children during class hours. The pens recorded how students took notes in real time and transferred this information to the teachers.

On July 15, news outlets reported that Chinese-developed word processing software WPS had built-in censorship programming that allowed it to censor documents drafted in the program. One author reported that she was unable to access her locally saved content because of WPS censorship protocols. WPS developer Kingsoft replied that it was complying with PRC law.

PRC efforts against academic freedom extended to Chinese students and professors abroad. Authorities routinely monitored the activities of PRC students and faculty members on campuses and in academic institutions outside the country.

Authorities frequently blocked academics from participating in international symposia. Government regulations require Chinese scholars to receive permission from their institutions before participating in any international event in person or online. In March at least five scholars were prevented from attending virtual panels at the annual conference hosted by the Association for Asian Studies. Authorities discouraged or prevented scholars from engaging with some diplomatic missions in China, or from participating in some academic exchange programs

sponsored by foreign governments.

The government continued to restrict access to information and foreign research sources. In June the CAC launched an investigation into the China National Knowledge Infrastructure, an academic research service that claimed to have the world's largest readership. According to media reports, the move was made to preempt "security risks" and protect national security. Media reported that the service's 60 million articles were screened by PRC government censors, who purged research they felt posed a "national security risk". In 2021 China Judgements Online, a similar academic database, was purged by PRC authorities. The deletions included most sources relating to sentencing of human rights activists and members of illegal religious organizations.

In May a former instructor at Sichuan University described in the *New Yorker* being reported by a student for alleged "political wrongdoing" during one of his classes, a phenomenon called *jubao*. He wrote that "a student might report a teacher for a comment about a sensitive historical event, or a remark that seems to contradict a Communist Party policy ... ambiguous statements about Xi Jinping, the President of China, are especially risky." According to the article, when a student reports a teacher, the school investigates, after which the teacher might be dismissed. The author said this creates an atmosphere in which educators are reluctant to express their opinion; his feedback on a student's essay was published on social media, which elicited online trolling. Although the school found no wrongdoing, it did not renew his contract.

According to media reports, in June the new movie *Top Gun: Maverick* was banned. Media stated the decision was due to the film's positive portrayal of the U.S. military, and because of a Taiwanese flag on a jacket worn by the lead actor. According to the *Washington Post*, "Tencent executives backed out of the \$170 million Paramount Pictures production after they grew concerned that Communist Party officials in Beijing would be angry about the company's affiliation with a movie celebrating the American military."

On June 14, *Reuters* reported that authorities asked Disney to cut scenes depicting a same-sex couple in the movie *Lightyear*. When Disney refused, release of the film in China was not approved.

On August 23, *The New York Times* reported that the ending of the movie *Minions: The Rise of Gru* was changed by PRC censors to spread “socialist core values.” In the original version, the two villains escaped punishment, but in the version released in the PRC, one is imprisoned and the other becomes a dedicated father of three, which *The New York Times* noted supported the PRC narrative encouraging higher birthrates.

## **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.

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.

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

Authorities continued to clamp down on student protests over COVID-19 lockdowns. In April a postgraduate student at Ludong University in Shandong Province was expelled and warned by police after protesting the university’s COVID-19 lockdown and mass testing. In May graduate students at Peking University staged a peaceful protest against the school’s decision to install a sheet-

metal wall meant to sequester students, regulations on daily testing, and a prohibition on visitors and food delivery. Authorities censored videos and pictures that showed students protesting.

In late November protests broke out nationwide against the government's implementation of strict COVID-19 controls. There were numerous reports of police violence against protesters, including some in detention. Following the protests, there were multiple media reports of authorities cracking down on those who participated in the demonstrations. The CCP stated that it would "resolutely crack down...on hostile forces," and media reported that police were calling participants demanding information about their whereabouts and stopping passersby and searching their mobile phones to see if they had VPNs or foreign social media apps. In one case police visited a participant's home, saying that the weekend protest was an "illegal assembly." Security forces maintained a massive presence in major cities following the protests to deter further demonstrations. There were reports police detained demonstration participants for extended periods.

Media reported that on July 10, more than a thousand depositors assembled in front of a Zhengzhou, Henan, branch of the People's Bank of China to call for the return of their deposits. More than 40 busloads of plainclothes security personnel used force to dispel protesters, according to media reports. Footage showed protesters being violently struck. Demonstrators also criticized the Henan government for failing to counter corruption and violence, with some appealing to Premier Li Keqiang to "investigate Henan." Following the protest, there were reports that some protesters faced continuing harassment and surveillance after they returned home.

## **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. Propaganda targeted NGOs, smearing them for any affiliation with foreign governments.

The regulatory system for NGOs was highly restrictive; specific requirements varied depending on whether an organization was foreign or domestic. All domestic NGOs are required to register with the Ministry of Civil Affairs and find an officially sanctioned sponsor to serve as their “professional supervisory unit.” Finding a sponsor was often difficult since the sponsor could be held civilly or criminally responsible for the NGO’s activities and sponsorship included burdensome reporting requirements. All organizations are required to report their sources of funding, including foreign funding.

All domestic NGOs are supposed to have a CCP cell, 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 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 would be punished and possibly banned.

Many government agencies had no unit responsible for sponsoring foreign NGOs. 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.

For donations to a domestic organization, 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 government-operated NGOs or 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 did not comply faced criminal penalties.

Authorities continued to restrict, evict, and investigate local NGOs that received foreign funding and international NGOs that assisted Tibetan communities in the Tibet Autonomous Region 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 and the Right to Leave the Country**

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

The government, often preemptively, harassed and intimidated individuals and their family members by denying them permission to travel, both internationally and domestically, keeping them under house arrest, or submitting them to “forced

travel” during politically significant holidays.

**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, or during foreign country national days, 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 Communiqué of the People’s Republic of China on 2019 National Economic and Social Development*, published in 2020 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 regarding 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.

Experts assessed that the health code systems for monitoring COVID-19 in some areas of the country were used as tools to curtail the freedom of movement of activists and ordinary citizens seeking redress for sensitive problems. Observers said the health code systems provided a tool for surveillance and acted as catalysts for some provinces and cities to bring together various previously siloed data sources, such as individual health information and geolocation history, bolstering the development of the nascent social credit system.

Several news outlets reported that during the July bank protests in Zhengzhou, Henan Province, some citizens’ health codes turned red (indicating the person must quarantine), severely curtailing their ability to enter public grounds and indoor areas, or access public transportation, despite undergoing regular COVID-19 tests and never leaving the city.

Six party officials were “punished” for their misuse of COVID-19 health codes to prevent bank depositors from protesting bank fraud, the Zhengzhou Discipline Commission announced on June 22. The commission investigation revealed 1,317 depositors were illegally given “red codes,” including 871 depositors not located in Zhengzhou.

On June 27, video was widely shared of a daughter and elderly father in Dandong, Liaoning Province, being blocked from picking up the father’s medicine by a police officer because the daughter’s health code was not green. An altercation between the family and the police officer ensued, and afterwards the local police issued a 10-day detention notice for the daughter, while the father was notified that he could be charged for assaulting the officer.

According to her October 31 post on Twitter, Wang Yu, a well-known human rights lawyer, was unable to return to Beijing due to a “pop up” (a notification that

a person may have been in an area with a COVID-19 case) on her Beijing Health Kit app. Wang Yu said she had been denied access to Beijing for more than 70 days. In February when the Beijing Health Kit first added “pop ups,” prominent human rights lawyers including Wang Yu were restricted from traveling within China and from returning to Beijing.

**Foreign Travel:** The government controlled emigration and foreign travel. The government denied passport applications or 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 activists were at times prevented from exiting the country. Authorities also blocked the travel of some family members of 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 authorities often provided no reason for such exit bans. Authorities stopped most of these individuals at the airport at the time of their attempted travel.

Most citizens could not obtain or renew passports due to restrictions aimed at reducing international travel to minimize COVID-19 infections from overseas. Individuals the government deemed potential political threats, including religious leaders, political dissidents, and petitioners, as well as their family members and members of ethnic minority groups, 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. Since 2016 authorities ordered Xinjiang residents to turn in their passports or told residents no new passports were available.

On May 10, media reported that the National Immigration Administration would strictly restrict PRC citizens from nonessential foreign travel to implement the national zero-COVID policy. RFA reported that border control in Guangzhou City questioned travelers upon arrival about their activities abroad, reasons for returning to China, and whether they planned to travel abroad again. Media reported that

passports were clipped to prevent individuals leaving the country. Web publication *Sixth Tone* further reported that in the first half of 2021, the government issued only 335,000 passports, 2 percent of the total for the same period in 2019.

**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.

### **e. Protection of Refugees**

Although it restricted 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.

**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.

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

**Refoulement:** The government continued to consider North Koreans as illegal "economic migrants" rather than refugees or asylum seekers and forcibly returned many of them to North Korea, where such migrants would face harsh punishments including torture, forced abortions, forced labor, sexual violence, or death. Entries of such migrants were reduced during the year due to border closures during the COVID-19 pandemic. In March the UN special rapporteur on human rights in North Korea reported that more than 1,500 North Koreans were detained in China and at risk of refoulement.

North Koreans detained by PRC authorities faced forcible 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 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 members of 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.

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

Not applicable.

#### **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. 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.

## **Elections and Political Participation**

**Recent Elections:** Direct elections occur under a single-party political system, in which citizens may vote only for their local level representatives. All candidates are either members of or approved by the CCP.

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.

According to Ministry of Civil Affairs 2019 statistics, almost all 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 was 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 own 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, however, 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. The China Democracy Party remained banned, and the government continued to monitor, detain, and imprison its current and former members.

**Participation of Women and Members of Minority Groups:** Women and members of minority or historically marginalized groups held few positions of significant influence in the government or CCP structure. No woman was promoted to the 24-member Politburo in the 20th Party Congress, leaving the Politburo without a woman for the first time since 1997. No woman has ever been in the Politburo Standing Committee, the highest leadership group.

Election law provides a general mandate for quotas for women 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 minority groups were members of the 13th NPC, accounting for 16 percent of the total number of delegates. All the country's officially recognized minority groups were represented. The 20th Party Congress elected nine members of ethnic minority groups as members of the 204-person Central Committee. There was no ethnic minority member of the Politburo, and only one ethnic minority member 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, Wang Lixia, served as chair of the Inner Mongolia Autonomous Region, equivalent to a provincial governor. An ethnic Bai woman, Chen Yiqin, served as party secretary 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. 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 during the year.

By law the NSC-CCDI is a government and CCP body charged with rooting out corruption and discipline inspection (enforcing conformity). Its investigations may target any public official, including police, judges, and prosecutors; the commission may investigate and detain individuals connected to targeted public officials. The NSC-CCDI is vested with powers of the state and may conduct investigations against any employee who performs a public duty; that includes doctors, academics, and employees of state-owned enterprises. There were credible reports that the NSC-CCDI investigations and detentions by liuzhi were sometimes politically motivated.

**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. Observers also said that corruption charges were often a pretext for purging political rivals.

In September one month before the 20th Party Congress, the Changchun Court in Jilin Province sentenced former Deputy Security Minister Sun Lijun to life imprisonment for corruption. He was also accused of leading a “political clique” and of being disloyal to President Xi, according to the *South China Morning Post*. According to state media, Sun pleaded guilty to accepting bribes for more than 20 years, totaling \$91 million. Sun was prosecuted along with five former police chiefs who were involved with him. The Changchun court also gave former Justice Minister Fu Zhenghua and Wang Like, a former Jiangsu vice governor, suspended death sentences, according to *South China Morning Post*. The prosecutions were a “clear political signal” to the security organs demanding loyalty to Xi, according to the *South China Morning Post*.

## **Section 5. Governmental Posture Towards 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 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 continued 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.

**Retribution against Human Rights Defenders (HRDs):** On May 31, the Rights Protection Network reported that human rights lawyer Xie Yang was detained for more than 140 days and was not permitted to meet with his attorney. Xie was previously detained several times for “inciting subversion of state power.” He was reportedly most recently detained in Changsha, Hunan Province, on February 17 after publicly supporting Li Tiantian, a pregnant teacher who was detained in a psychiatric hospital after she made critical remarks online. By year’s end there was no indication he was released.

In January disbarred lawyer Liang Xiaojun wrote that in December 2021 the Beijing Municipal Justice Bureau permanently revoked his license, purportedly because of Liang's social media posts regarding the Falun Gong and Marxism; Liang said the real reason was he represented human rights defenders, dissidents, and activists in court. NGO China Change reported in January that the government disbarred seven human rights lawyers in 2021.

**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. The government strictly controlled the activities of UN technical agencies. A dozen requests for visits to the country by UN experts remained outstanding. In May UN High Commissioner for Human Rights Michelle Bachelet made an official visit to the country, the first visit by a high commissioner in 17 years. RFA reported that ahead of Bachelet's two days in Xinjiang, state security agents warned Uyghurs there they could face consequences if relatives abroad spoke out publicly about Xinjiang. In a statement following the visit, Bachelet said that she "share[d] the concerns of UN human rights mechanisms about legitimate activities by lawyers, human rights defenders and others being penalized under the national security framework." UN human rights bodies have found the system of Residential Surveillance constitutes arbitrary detention and have called for its repeal.

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 and Societal Abuses**

### **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 survivors 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.

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. The government did not effectively enforce laws against rape and domestic violence.

The government supported shelters for survivors of domestic violence and some courts provided protections to survivors, including through court protective orders prohibiting a perpetrator of domestic violence from coming near to a survivor. Nonetheless, official assistance did not always reach survivors and public security forces often ignored domestic violence. Legal aid institutions working to provide counseling and defense to survivors 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.

In February professional tennis player Peng Shuai reappeared in an apparently staged interview. In the interview, Peng claimed that she deleted a November 2021 Weibo post in which she accused former Politburo Standing Committee member and Vice Premier Zhang Gaoli of sexually assaulting her in 2018. She said, "this post has given rise to a huge misunderstanding from the outside world. I hope that the meaning of this post will no longer be distorted." The interview was widely criticized and did little to allay concerns that Peng's freedom of movement continued to be restricted.

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

A video of seven men violently assaulting several women at a restaurant in Tangshan, Hebei Province, in the early morning hours of June 10, was widely viewed on PRC-based social media and ignited a national discussion on violence against women. Media reports indicated authorities downplayed the incident. For example, on June 16, *The Economist* reported that party officials characterized the assault as general crime rather than an example of harassment of women. On July 22, the *South China Morning Post* reported that authorities refused to acknowledge that it was related to systematic discrimination against women and instead attempted to attribute the assault to organized crime.

On July 11, RFA and *China Daily* reported a woman student was sexually assaulted by a professor at Peking University. After she filed the complaint, the university did not open a case for investigation for more than a month and told her to visit a psychiatrist. According to media reports, the professor still held his position at Peking University as of July.

An August 2 video of a man repeatedly running over his girlfriend with his car in Tangshan was widely shared on social media. The footage showed bystanders dragged an unconscious woman away from a white car; the car then restarted, and the driver ran over the woman several times. Many commenters expressed shock and pointed out that the June Tangshan beating case was not resolved.

On September 14, news website *Caixin* reported that a party secretary of a local village near Guixi City, Jiangxi Province, was suspected of raping a girl, age 12, while her parents were in COVID-19 quarantine. According to social media reports, police prevented the parents from leaving the quarantine facility to attend to their child. Guixi police denied allegations that the parents were in a COVID-19 quarantine facility while the incident occurred but placed the party official in criminal detention, according to media reports. On September 16, *China Digital Times* reported that there was little coverage regarding this case in domestic media and that the aggressor still held his official positions.

**Sexual Harassment:** The law prohibits sexual harassment against women but was

not effectively enforced. The law defines 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. On October 30, the government revised the law to strengthen protections for women in the workplace. The revisions prohibit sexual harassment in the workplace, gender discrimination in hiring, and reduction of wages or benefits to women for marriage, pregnancy, or maternity leave among other changes.

It remained difficult for victims to file a sexual harassment complaint and for judges to reach a ruling on such cases. Human Rights Watch cited one statistic showing nearly 40 percent of women said they experienced sexual harassment in the workplace. Many women, however, 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 were widely shared on social media, helping to raise awareness of the problem, particularly in the workplace.

In August a Beijing court rejected a final appeal from Zhou Xiaoxuan (known as Xianzi), who accused state media television host Zhu Jun of groping and forcibly kissing her in a dressing room in 2014. Since launching the case in 2018, Zhou's Weibo account was blocked in 2021, online conversations about her case were censored, and WeChat users reported that their accounts were banned for sharing information of her case.

In June an Alibaba client was sentenced to 18 months in prison by a court in Jinan, Shandong Province, for committing "forcible indecency." In August 2021 a woman employee of Alibaba accused her manager and the client of sexually assaulting her during a business dinner. Alibaba subsequently fired the manager, and two other senior employees resigned for not properly handling the allegations.

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 authorities and faced obstacles implementing their programs.

**Reproductive Rights:** Through law and policy, the CCP and government limit the rights of parents to choose the number of children they have. The law restricts most married couples to three children (changed from two in 2021) and allows couples to apply for permission to have a fourth child if they meet local and provincial requirements. The law includes provisions aimed at increasing the birth rate and “reducing the burden” of raising children.

Enforcement of the decades-old population-control policy, which originally limited parents to one child, relied on social pressure, education, propaganda, and economic penalties, as well as on measures such as mandatory pregnancy examinations, contraception and, less frequently, forced sterilizations and, in some provinces, coerced abortions. Penalties for exceeding the permitted number of children were not enforced uniformly and varied by province. The law as implemented required each woman with an unauthorized pregnancy to abort or to pay a social compensation fee, which could reach 10 times a person’s annual disposable income. Those with the financial means often paid the fee to ensure their children born in violation of the birth restrictions would have access to a wide array of government-provided social services and rights. Some avoided the fee by hiding such children with friends or relatives. The law only mentions the rights of married couples, which means unmarried women are not authorized to have children. They consequently have social compensation fees imposed on them if they give birth “outside of the policy,” and they could be subject to the denial of legal documents such as birth documents and the hukou residence permit, although local governments rarely enforced these regulations.

Ethnic and religious minority women, particularly Uyghurs, were often subjected to coercive population control measures. Government targeting of ethnic and religious minorities in Xinjiang with intensified coercive population control measures resulted in plummeting birth rates since 2018. Most Xinjiang prefectures reported large increases in sterilizations and implantation of intrauterine devices (IUD), with Hotan Prefecture alone more than doubling its sterilization numbers for women from 2017 to 2018. There were widespread reports of coercive population control measures – including forced abortions, forced sterilizations, involuntary IUD insertions, and pregnancy checks – occurring at detention centers in the region and targeting minority groups, primarily Uyghurs and ethnic Kazaks.

Parents judged to have exceeded the government limit on the number of children risked being sent to detention centers unless they paid exorbitant fines.

Since national family planning law mentions only the rights of married couples, local implementation was inconsistent, and unmarried persons were required to pay for contraception and otherwise discriminated against. The law requires a pregnant woman and her husband to register their marriage to get prenatal care at a public hospital.

*Caixin* reported in June that in vitro fertilization was illegal for single women almost everywhere in the country. *Caixin* cited a case in which a hospital denied a woman an embryo transfer after her husband died, even though the woman had already started her fertility treatment with the hospital.

On July 22, the Chaoyang District People's Court ruled in favor of a hospital that had refused a woman's request to freeze her eggs because she was unmarried, according to CNN. CNN reported officials justified the ban by claiming that giving birth at an older age involves health risks that freezing sperm does not.

Sexual and reproductive health services including emergency contraception were available for survivors of sexual violence at public hospitals.

**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 that 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,

gender-based violence, 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 civil code includes a provision for a 30-day "cooling off" period in cases of uncontested divorce; some citizens expressed concern this leaves those seeking escape from domestic violence susceptible 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 State Council Information Office stated the boy-girl birth ratio was 110.1 boys per 100 girls in 2019.

Nonmedical fetal sex diagnosis and aborting a pregnancy based on gender selection were illegal. Private and unregistered clinics, however, provided these services. Provincial health commissions made efforts to crack down on sex-selective abortions.

## **Systemic Racial or Ethnic Violence and Discrimination**

Although the constitution and laws include language that protects members of racial or ethnic minorities or groups from violence and discrimination, the government did not enforce these laws effectively, and authorities perpetrated and promoted violence against members of racial or ethnic minority groups. The government promoted racism and institutional discrimination against minorities, and disparaged and denied the resulting complaints, cracking down on peaceful expressions of ethnic culture and religion. 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.

The government's efforts to assimilate ethnic groups, such as its "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. Media reported that during the 20th Party Congress in October, Xi's report to the CCP excluded affirmations of "regional autonomy for ethnic minorities," mentioned in the two prior party congresses.

The government promoted Han Chinese migration into minority areas, significantly increasing the population of Han in Xinjiang. Han Chinese officials continued to hold the majority of the most powerful CCP posts and many government positions in minority autonomous regions, particularly Xinjiang.

In 2017 the Xinjiang government implemented "Deradicalization Regulations," codifying efforts to "contain and eradicate extremism." Since 2017 the government used this broad definition of extremism to detain more than one million Uyghurs, ethnic Kazakhs, Kyrgyz, and other Muslims in re-education 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 government security officials in the centers abused, tortured, and killed some detainees (see sections 1.a., 1.b., 1.c., 1.d., and 2.d.).

OHCHR's Xinjiang assessment in August stated that the PRC's use of overly vague and broadly applied definitions of terms such as counterterrorism, extremism, and public security supported policies of systemic racism and misapplication of laws. The report stated, "In the context in which this system is implemented and by associating 'extremism' with certain religious and cultural practices, it also carries inherent risk of unnecessary, disproportionate, and discriminatory application to the ethnic and religious communities concerned." The report concluded that the PRC's discriminatory counterterrorism laws created a "trend of increased number and length of imprisonments through the criminal justice system...for minor offences or for engaging in conduct protected by international human rights law."

Outside the internment camps, the government implemented severe restrictions on expressions of minorities groups' 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 ban 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.” Authorities also used a vast array of surveillance technology specifically designed to target and track Uyghurs.

The national government perpetuated and condoned policies and attitudes that promoted discrimination; 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 intentionally disrupted traditional living patterns of minority groups and in some cases included the forced relocation of persons and the forced settlement of nomads.

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 could be based on 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 local populations, journalists, and visiting foreigners. Media reported that authorities continued to use surveillance and facial recognition software, biodata collection, and biodata technology to create a database of Uyghurs in Xinjiang for the purpose of conducting “social-instability forecasting, prevention, and containment” (see section 1.f.).

Uyghurs and members of other religious and ethnic minority groups continued to be sentenced to long prison terms on spurious charges of separatism and endangering state security (see sections 1.a. and 1.b.).

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.” It requires internet service providers and network operators to set up monitoring systems to detect, report, and delete religious content, and to strengthen existing systems and report violations of the law. Authorities searched cell phones at checkpoints and during random inspections of Uyghur households. 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 (see section 1.f.).

Ethnic Kazakhs were also targeted. Throughout the year ethnic Kazakhs in Almaty and Nur-Sultan reported that PRC officials attempted to silence protests regarding their missing family members in Xinjiang. Small groups of Kazakhs often protested outside the PRC consulate in Almaty and the PRC embassy in Nur-Sultan to demand answers concerning their families’ detention in Xinjiang. Local sources stated that PRC officials frequently called their cell phones to pressure them to stop protesting. Kazakhs were also prevented from moving freely between China and Kazakhstan, and some were detained in internment camps upon their return to China.

The government pressured foreign countries to forcibly 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 concerning the Uyghur diaspora community to agents of the PRC government.

Freedom of assembly was severely limited in Xinjiang. For information regarding 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.

## 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 policy quotas or to single women often cannot be registered or receive other legal documents such as the hukou residence permit. 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. The central government and local authorities continued to promote political indoctrination of children.

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.

Government authorities in Inner Mongolia, Xinjiang, Tibet, and other autonomous regions and provinces required instructors to use Mandarin to teach history and politics instead of the local language, to encourage a “national common language”; observers viewed this policy as a means to erode unique languages and cultures.

**Child Abuse:** The physical abuse of children is grounds for criminal prosecution, and the law provides for the protection of 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.

In January the case of a mother of eight found chained by her husband in an outhouse in Jiangsu Province sparked public outrage and brought attention to forced marriage. *The Wall Street Journal* reported on July 9 that forced marriage was still a problem, a result of the country's unequal gender ratio due to decades of the one-child policy and preferences for sons over daughters.

**Sexual Exploitation of Children:** The minimum legal age for consensual sex is 14. Persons who forced girls younger than 14 into commercial sex 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 a death sentence, in addition to having their property confiscated. Those who paid for commercial sex with girls 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; authorities enforced the law. 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, including Infanticide of Children with Disabilities:** The law forbids infanticide, although NGOs reported that infanticide of girls due to a traditional preference for sons and coercive birth limitation policies continued. 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 relatives willing to care for them, the government placed the children of detainees in orphanages, state-run boarding

schools, or “child welfare guidance centers,” where they were forcibly indoctrinated with CCP ideology and forced to learn Mandarin Chinese, reject their religious and cultural beliefs, and answer questions regarding their parents’ religious beliefs and practices.

In February *National Public Radio* (NPR) reported that there were least 1,300 state boarding schools across Xinjiang, according to official documents. In interviews with children who were forced to attend the boarding schools, the children reported being subjected to physical and emotional abuse and forced separation from their families. According to NPR, children’s heads were shaved, and they endured physical and psychological abuse, such as confinement in a dark room for hours at a time. NPR identified one school as Lutfullah, previously called the Urumqi Folk Art School, from which children reported intense mental trauma after being released from the boarding school.

**Institutionalized Children:** See “Displaced Children” section above.

## **Antisemitism**

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 antisemitic 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/>.

## **Organ Harvesting**

Some activists and organizations accused 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.

On April 4, the *American Journal of Transplantation* published a peer-reviewed research paper indicating that China was violating the “dead donor rule” that an organ donor must be formally declared dead before any organs are removed. The

authors analyzed 2,838 papers from Chinese-language transplant publications and found in 71 cases that the cause of death was the organ transplant itself, carried out before doctors had made a legitimate determination of brain death.

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

**Criminalization:** No laws criminalize private consensual same-sex sexual conduct between adults.

**Violence against LGBTQI+ Persons:** Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) 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 relationships.

**Discrimination:** No law prohibits discrimination based on sexual orientation, gender identity or expression, or sex characteristics, and same-sex couples are not allowed to marry or adopt children. Accessing redress was further limited by societal discrimination and traditional norms, resulting in most LGBTQI+ persons refraining from publicly discussing their sexual orientation or gender identity. Nonetheless, the 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 LGBTQI+ topics reported they made some progress in advocating for LGBTQI+ rights through specific antidiscrimination cases.

**Availability of Legal Gender Recognition:** To update their gender marker on identity documents after gender-affirming surgery, individuals must be age 18 or older, have proof of familial consent to the surgery, and must have had the intent to undergo gender-affirming surgery for at least five years.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** NGOs and media reported attempts to “convert” LGBTQI+ individuals in public hospitals and private clinics that in some

cases entailed involuntary confinement, forcible medication, and electroshocks. There were reports secret gender normalization surgeries on intersex infants and children were commonly practiced, usually in secret due to stigma.

### **Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

The country's overall restrictions on these freedoms applied to LGBTQI+ groups, topics, and activities. NGOs working on LGBTQI+ matters noted restrictions on foreign organizations made their work more difficult. Individuals and organizations working on LGBTQI+ matters reported discrimination and harassment from authorities.

In May two Tsinghua University students were punished for placing 10 rainbow flags on a table on university grounds. According to online media, the students were interrogated in the middle of the night by a university counselor without their consent. Both students received warnings that the university could expel them. On May 17, Peking University officials asked students to remove rainbow-colored face masks during the International Day Against Homophobia, Biphobia, and Transphobia. A student stated that around certain dates the rainbow flag would be more sensitive as it is considered a symbol for dissent.

On June 9, *The Economist* reported that throughout 2021, LGBTQI+ university groups had “their social media accounts closed for unspecified violations,” that the nation's largest pride celebration Shanghai Pride had been shut down since 2020, and that state media amplified “Chinese nationalists who accuse LGBT groups of serving hostile foreign forces and corrupting young people.” NGO LGBT Rights Advocacy China was forced to close by authorities in 2021, *The Economist* reported.

### **Persons with Disabilities**

The law protects the rights of persons with disabilities and prohibits discrimination, but persons with disabilities were not able to access education, health services, public buildings, and transportation on an equal basis with others.

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 government took efforts to promote and enforce these laws.

The law forbids marriage for 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.

On June 6, a joint organization for 78 blind massage shops in Shanghai submitted a petition to the Shanghai Disabled Persons' Federation to ask for rent reduction as they suffered financial losses from the Shanghai COVID lockdown, media reported. According to online reports, the Shanghai Disabled Persons' Federation rejected their proposal and told them to “go home” or to another city.

## **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 sector-wide 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. Most collective contracts simply restated wage and hour terms already established by law.

The law provides for legal protections from 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 and 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 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.

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 regarding the credibility of elections.

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. The government effectively enforced its laws to maintain the primacy of the ACFTU and prevent the emergence of independent labor organizations, rather than to provide for freedom of association or the right to strike. Labor inspectors lacked authority to compel employers to correct violations, such as the refusal to bargain with the union. Penalties were limited and never applied against employers who violated the law. Workers who tried to exercise their rights outside of the official unions were subject to penalties.

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. 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. Media reported protests at factories throughout the country and worker protests in the construction, service, and retail sectors. 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 charges.

Coordinated efforts by governments at the central, provincial, and local levels, including censorship, surveillance, harassment, detention, and travel restrictions on labor rights defenders and restrictions on funding sources for NGOs, disrupted labor rights advocacy. The government continued to target labor activists, students, and others advocating for worker rights. The International Labor Organization’s Committee on the Freedom of Association noted concern regarding the reports of government harassment, intimidation, arrests, and physical abuse.

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

The law prohibits and criminalizes certain forms of forced and compulsory labor. The law provides a range of penalties depending on the circumstances, including imprisonment, criminal detention, administrative blacklisting, and fines. The law was not effectively enforced, and the government engaged in state-sponsored

forced labor.

State-sponsored forced labor continued in Xinjiang. In February the International Labor Organization Committee of Experts issued its annual report, which expressed deep concerns about labor policies in Xinjiang, detailing various coercive measures indicative of forced labor. In August the UN special rapporteur on contemporary forms of slavery released a report that referenced Uyghurs, Kazakhs, and other ethnic minority groups and declared it “was reasonable to conclude” that they were subjected to forced labor in sectors such as agriculture and manufacturing. The special rapporteur also stated that members of these groups were detained and subjected to work placements under state-mandated vocational skills education training systems and poverty alleviation programs that place surplus rural workers in sectors short of employees. In September OHCHR issued a report that raised doubts the labor transfer programs were voluntary in nature, given the constant menace of penalty and other indicators of forced labor in the Xinjiang context. The report also noted concerns regarding coercive methods that may be used in securing “surplus laborers.”

In May and June international NGO C4ADS noted global supply chains with links to Xinjiang in agricultural and industrial sectors were at a higher risk of forced labor given their use of the labor transfer program and their links to Xinjiang.

The Xinjiang Production and Construction Corps (Bingtuan) is an economic and paramilitary organization with administrative control over several areas in the Xinjiang region. A report released in July by the Helena Kennedy Centre at Sheffield Hallam University highlighted the involvement of the Bingtuan in the labor transfer program of ethnic minorities throughout Xinjiang and other autonomous regions and provinces. There were also reports that the Bingtuan forced inmates to build new prison facilities in several areas of Xinjiang and may have subjected inmates to forced labor in coal, uranium, and asbestos mining, as well as in lead and zinc smelting and fertilizer production. The Bingtuan reportedly forced half a million Uyghur adults and children to pick and process cotton, tomatoes, sugar beets, and possibly apples and peanuts. NGOs reported the Bingtuan prison systems also subjected ethnic Han inmates, many of whom may be victims of arbitrary detention, to forced labor.

The national household registry system (hukou) restricted rural inhabitants' freedom to legally change their residence, placing the country's internal migrant population (estimated to exceed 169 million) at high risk of forced labor in brick kilns, coal mines, and factories. Some of these businesses operated illegally and took advantage of lax government enforcement.

The government reportedly subjected Christians and members of other religious groups to forced labor as part of detention for the purpose of ideological indoctrination; survivors reported having been forced to work in brick kilns, food processing centers, and factories manufacturing clothing and housewares. International media reported local authorities forced children in some government-supported work-study programs to work in factories. Some school districts compelled students to enter forced labor in manufacturing under the guise of mandatory internships. Although information was limited, PRC nationals may have experienced conditions indicative of forced labor at large-scale rare earth mining operations within the PRC, and rural communities displaced by these activities and by concomitant environmental contamination may themselves have been vulnerable to forced labor.

North Korean refugees and asylum seekers living without formal immigration status in the PRC were vulnerable to forced labor. Some North Korean women were subjected to forced labor in agriculture, domestic service, and at restaurants, karaoke bars, coffee shops, and factories upon their arrival in the PRC, according to media and NGO reports. The North Korean government subjected its citizens to forced labor in the PRC as part of its proliferation finance system, likely with the knowledge of PRC officials; this included forced labor in hotels, restaurants, and remote cyber operations. PRC national-owned manufacturing facilities reportedly also subjected North Korean workers to forced labor in the production of protective medical garments for international export.

PRC-flagged fishing vessels subjected workers from other countries to forced labor. Fishermen experienced contract discrepancies, excessive working hours, degrading living conditions, severe verbal and physical abuse, starvation, denial of access to health care, restricted communication, document retention, arbitrary garnishing or nonpayment of wages, and other forced labor indicators, often while being forced to remain at sea for months or years at a time.

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 the worst forms of child labor. The law prohibits the employment of children younger than 16. It refers to workers between ages 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. The law provides that 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. Penalties were commensurate with those for analogous serious crimes such as kidnapping. Penalties were regularly applied against violators.

There were reports of child labor in the manufacturing, service, and retail sectors. Children were reportedly found working at machine and electronic factories, beverage stores, and employed as waiters. 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 prohibits employment discrimination based on ethnicity, race, gender, religious belief, disability, age, and infectious or occupational diseases. The law does not prohibit discrimination on national origin or sexual orientation. Various government ministries prohibit gender discrimination during recruitment and hiring. Enforcement clauses include the right to pursue civil damages through the courts. Penalties were commensurate with penalties under analogous laws. Penalties were sometimes applied against violators. 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 law. 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). There were advertisements seeking pretty women, preferring men, or requiring higher education qualifications from women compared with men for the same job.

Gender discrimination remained widespread, particularly against women and LGBTQI+ individuals. 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.

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.

There was also employment-related discrimination against the Uyghur and other mostly Muslim minority groups in Xinjiang. The International Labor Organization expressed concern regarding the government's policies toward the Uyghur and urged it to immediately cease any discriminatory practices against them, including internment or imprisonment on ethnic and religious grounds for deradicalization purposes.

There was employment-related discrimination based on geographic origin. 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.

On July 5, *Sixth Tone* reported that employers were accused of discriminating against workers who previously had COVID-19. According to local media, employers restricted recovered COVID-19 applicants from applying for positions

due to fear of reinfection and to protect other employees. Many patients reportedly lost their jobs after they recovered, even though discrimination due to contracting infectious diseases is illegal. On July 11, the *China Project*, an online news platform, reported that migrant workers were especially vulnerable to COVID-related stigma and discriminatory labor practices. Migrant workers were unable to work during Shanghai's lockdown and if they contracted COVID, were unable to find employment due to widespread employer discrimination against applicants who were recovering from COVID-19, according to the *China Project*.

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

**Wage and Hour Laws:** There is no national minimum wage, but the law requires local and provincial governments to set their own minimum wage rates according to standards promulgated by the Ministry of Human Resources and Social Security. The minimum wages are above the poverty level. 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. In August 2021 the Supreme People's Court and the Ministry of Human Resources and Social Security issued decisions in 10 legal cases related to the six-day workweek culture, with each decision ruling in favor of the employee.

According to monthly figures released by the National Bureau of Statistics, enterprise workers worked an average of nearly 48 hours per week every month, suggesting six-day workweeks throughout the year.

According to blacklists posted by multiple provincial and municipal authorities, wage arrears remained a widespread problem. Provincial and local governments at various levels continued efforts to prevent arrears and to recover payment of unpaid wages and insurance contributions. According to local media, the Ministry of Human Resources and Social Security indicated that labor supervision authorities at all levels investigated 63,000 wage-related cases nationwide and helped 853,000 workers recover nearly eight billion yuan (more than \$1.14 billion) in wages and other benefits in 2021. Nonpayment of wages was exacerbated by the COVID-19 outbreak in many areas. Labor NGOs reported problems such as delayed wage payments and unpaid social safety net benefits were widespread during the outbreak. Companies relocated or closed on short notice due to the

COVID-19-induced global economic downturn, often leaving migrant workers unable to return to their home countries and without adequate recourse for due compensation.

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 had less access to benefits, especially social insurance.

**Occupational Safety and Health:** 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 the employees 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 occupational safety and health (OSH) experts, not workers.

According to media reports, occupational diseases were prevalent and underreported. Patients came from many industries, including coal, chemical engineering, and construction. Hong Kong doctoral student Fang Ran remained in detention according to his family; he was detained in 2021 in Guangxi to prevent him from interviewing migrant workers about occupational illnesses in the mining sector in Shenzhen.

Workplace accidents were widespread. According to the Ministry of Emergency Management, 8,870 individuals were killed in 11,076 workplace accidents of all types in the first half of the year. Workplace accidents and injuries were particularly common and deadly in the coal industry, according to media reports. Media and NGO reports attributed them to a lack of safety checks, weak enforcement of laws and regulations, ineffective supervision, and inadequate emergency responses. For example, in Guangxi, the provincial government reported that in the first half of the year there were 431 work safety accidents that killed 405 individuals and injured 198, an apparent decrease from 2021. Another example was an accident at a construction site in Guizhou province that killed 14 workers in January. On July 26, *Bloomberg* reported numerous cases of workers

suffering during a July heat wave, particularly in construction. For example, one construction worker in Xi'an died from heat stroke after he worked in the heat for nine hours. The worker did not have a contract with the construction company, and the family was denied compensation. After encountering public pressure, the company paid for the funeral.

On September 7, the *Financial Times* reported that COVID-19 workers in hazmat suits (called “Big White” or *dabai*) were often civil service workers, who were redirected from office jobs to “fight the pandemic” at testing booths. Dabai experienced pay cuts, long working hours, and no overtime pay. In addition, some worked through heatwaves in hazmat suits. The report cited a civil servant from Jiangsu who disclosed she worked under “unbearable conditions.” “We are so understaffed,” she added. “I work 12-hour shifts checking people’s health codes before taking a test. We must pay for our expenses, including transport and PPE.”

On March 17, the *China Labour Bulletin* reported a dramatic increase of deadly gas explosions across the country, with reports that insufficient administrative enforcement and “valuing profit over safety” were the main factors behind these incidents. In the first half of 2021, there were 544 recorded gas accidents.

**Wage, Hour, and OSH Enforcement:** The government inconsistently enforced its wage, hour, and OSH laws. Penalties were commensurate with those for similar laws such as fraud or negligence. Inspectors had the authority to make unannounced visits and could initiate sanctions.

The government seldom enforced overtime laws, and 48-hour workweeks were common for a wide range of workers. Companies that violated wage, hour, and OSH regulations faced various penalties, including suspension of business operations, rescission of business certificates and licenses, or entry onto publicly available “blacklists” maintained by local governments. Inspections, however, were generally inadequate and the penalties and other compliance mechanisms were only sometimes enforced.

**Informal Sector:** Inspectors did not operate in the informal sector. 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.

Workers in the gig economy, estimated to number 200 million, were considered contract workers. Gig workers at online platforms are covered by the 2002 Work Safety Law. There were reports of delivery drivers injured or killed on the job and that companies cut the per-package commission pay for couriers. There were numerous delivery worker protests against heavy workloads or low wages.