



April 2022 Report

# CHINESE CENSORSHIP DURING HARSH COVID-19 LOCKDOWNS IN 2022

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# Table of Contents

<b>Sr. No.</b>	<b>Topic</b>	<b>Page Number</b>
1.	Introduction	1
2.	Freedom of expression amidst the Covid-19 pandemic in China	2
3.	A Clear violation of International norms and conventions	6
4.	The International Response to Chinese Censorship	10
5.	Conclusion	11
6.	Bibliography	12

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## Introduction

Many individuals were detained in China during Covid-19, due to a clear censorship : *QI Yanchen* (36). Sentenced to four years. *HUANG Qi* (36). Trial on hold. *IANG Shihua* (27). Sentenced to two years in prison. *GUO Qinghai* (36). Sentenced to four years in prison.

Several individuals have been detained in China after posting material on the internet, a clear violation of the freedom of expression, worsened during Covid-19. In all known cases, these individuals were sentenced under articles in the Criminal Code. The scope of this report is the censorship done by Chinese authorities after the March 28th, 2022, first lockdown in Shanghai, China. This report's objective is to examine and determine the numerous human rights violations due to the harsh censorship all-over China. The Chinese government has always kept tight reins on both traditional and new media to avoid potential subversion of its authority. It has always restricted the freedom of expression and limited it in every possible way. Several tactics were used and labelled as strict media controls, such as monitoring systems and firewalls, shuttering publications or websites, and jailing dissident journalists, bloggers, and activists.

Qi Yanchen is one of the founders of the China Development Union, a quasi-non governmental organisation banned in 1998. Qi was detained in late 1999. In September 2000, the Intermediate People's Court in Cangzhou, Hebei Province, sentenced him to four years in prison for posting articles and parts of his book, *The Collapse of China*, on the Internet. The book is critical of China's current social situation. The Court charged Qi with spreading anti-government messages on the internet, and he was convicted after a trial that lasted only four and a half hours.

As Shanghai entered its seventh week of COVID-19 lockdowns in May 2022, China's censors have been hard at work trying to contain an eruption of public outrage and enforce the leadership's prohibition of any public debate or calls to reconsider its strategy.

Spikes in censorship and social media activism occur periodically in China, particularly in moments of crisis. As in past periods of extreme regime sensitivity, there are plenty of examples of censorship “overkill,” including restrictions on a WeChat account belonging to the National People's Congress. The right to freedom of expression was limited during the lockdowns.

## Freedom of expression amidst the Covid-19 pandemic in China

Since the Covid-19 outbreak in late 2019, China's response has been characterised by the implementation of draconian measures, which contributed to the further deterioration of freedom of expression in the country. These measures include deleting critical information online, censoring the media, punishing whistleblowing doctors, detaining and disappearing independent journalists and government critics, and kicking out foreign reporters. Several NGOs have denounced the critical situation, asking China to ensure the protection of human rights while responding to the coronavirus outbreak, while pointing out that authorities should recognise that censorship only creates distrust.<sup>1</sup>

Cases of enforced disappearance and arbitrary detention have been justified as “mandatory quarantine”, a means of silencing citizen journalists, human rights activists and doctors trying to spread news regarding the virus. Furthermore, civil society groups' efforts to assist citizens have been suppressed by the police, which targeted individuals distributing facemasks and other medical supplies without passing through government-controlled organisations.

However, it was mainly the suppression of online content that, under the guise of fighting the coronavirus, has significantly escalated, with authorities blocking independent reporting, information sharing on social media and any critical comment on government responses. Despite the difficulties in obtaining unfiltered news or full access to information, China Human Rights Defenders have documented several cases of punishment of Chinese nationals for having shared information online related to Covid-19. The pretext used by authorities to back up those punishments includes a wide range of alleged offences, such as “spreading rumours,” “fabricating false information,” “causing panic,” “disrupting public or social order,” and “leaking privacy”. In most of these cases, police cited “spreading misinformation, disrupting public order” while referring to online speech related to Covid-19. Not only did Chinese police closely monitor popular social media, such as WeChat, but in some instances restrictions came directly from those apps, which deleted accounts in relation to their online comments regarding the coronavirus outbreak and censored keywords accordingly.<sup>2</sup>

1. Chinese Human Rights Defenders. (2020, June 10). Chinese Human Rights Defenders (CHRD)'s Submission to Joint questionnaire by Special Procedure mandate holders on Protecting human rights during and after the COVID-19. Retrieved July 12, 2022, from <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FChineseHumanRightsDefendersCHRD.docx&wdOrigin=BROWSELINK> ; Human Rights Watch. (2020, January 30). China: Respect Rights in Coronavirus Response. Retrieved July 12, 2022, from <https://www.hrw.org/news/2020/01/30/china-respect-rights-coronavirus-response>
2. Chinese Human Rights Defenders. (2020, June 10). Chinese Human Rights Defenders (CHRD)'s Submission to Joint questionnaire by Special Procedure mandate holders on Protecting human rights during and after the COVID-19. Retrieved July 12, 2022, from <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FChineseHumanRightsDefendersCHRD.docx&wdOrigin=BROWSELINK>

High-profile users have also been silenced. In early April 2022, Zhong Nanshan, China's top respiratory disease specialist, published an English article in which he warned that the harsh “zero Covid-19” approach could not be pursued in the long run, however, the Chinese version was censored. Besides doctors, eminent financial analysts, celebrities and law professors trying to spread light on the situation were censored by the Chinese government. Furthermore, on May 10, 2022, World Health Organisation (WHO) director Tedros Adhanom Ghebreyesus stated that China's zero Covid-19 policy was not sustainable: clips and references to the comments immediately started circulating, and censors suppressed its image and name, also deleting UN-affiliated accounts on Weibo and WeChat.<sup>3</sup>

Spikes in censorship and netizen activism have occurred, especially during the harsh lockdowns China put in place: two years after Wuhan, it is now Shanghai that has become the victim of the Chinese “Zero Covid-19” policy.<sup>4</sup>

## 2.1 Censorship during Wuhan lockdown

According to scientists, the coronavirus SARS-CoV-2 originated in the city of Wuhan, in Hubei province, in late 2019. Censorship played a crucial role in the first phases of the pandemic. State's response in China was initially delayed by silencing whistleblowing doctors, withholding information from the public, underreporting cases of infection, downplaying its severity, and denying the likelihood of transmission between humans.<sup>5</sup>

Several doctors tried to warn colleagues and society about spreading the unknown illness. On December 30th, 2019, the Wuhan Health Commission sent a directive prohibiting doctors and nurses from disclosing any information about the outbreak to the public. A few days later, the police announced to have summoned eight people for questioning based on the alleged “publishing and spreading untrue information online” related to cases of pneumonia. One of them was a doctor at a hospital where infected patients were being treated, who had sent messages in a private WeChat group alerting people about the virus. He was later warned by hospital officials and then forced by the police to sign a document stating that he would stop illegal activities, such as spreading rumours and abiding by the law.<sup>6</sup>

3. Freedom House. (2022, May 19). China's Censors Aim to Contain Dissent During Harsh COVID-19 Lockdowns | Opinion. Retrieved July 12, 2022, from <https://freedomhouse.org/article/chinas-censors-aim-contain-dissent-during-harsh-covid-19-lockdowns-opinion-0>

4. Al Jazeera. (2022, April 30). 'Like Wuhan all over again': As Shanghai protests, China censors. Retrieved July 12, 2022, from <https://www.aljazeera.com/news/2022/4/30/like-wuhan-all-over-again-as-shanghai-protests-censors-pounce>

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6. Chinese Human Rights Defenders. (2020, June 10). Chinese Human Rights Defenders (CHRD)'s Submission to Joint questionnaire by Special Procedure mandate holders on Protecting human rights during and after the COVID-19. Retrieved July 12, 2022, from <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FChineseHumanRightsDefendersCHRD.docx&wdOrigin=BROWSELINK>

In mid-January 2020, after a statement by President Xi Jinping saying he would curb the spread of the outbreak, Wuhan was placed under quarantine. Human Rights Watch, described the lockdown as a human rights tragedy, pointing out how the strict measures impacted people's life: officials sealed apartment doors in order to prevent people from leaving their homes, and access to basic facilities and healthcare was prohibited. Despite the above-mentioned strict censorship, videos circulated online showing residents yelling from their homes in despair and many residents took to social media to criticise the government's response to the crisis and the lack of public disclosure as regards what was really happening, with State-media coverage describing an overall positive situation.<sup>7</sup>

As highlighted in the previous paragraph, authorities censored numerous articles and social media posts regarding the epidemic, including those seeking help, documenting their life during the quarantine and criticising the government. After having prevented doctors from spreading awareness about the virus, now medical personnel treating infected patients were ordered not to speak to the media. Nevertheless, people continued to post on Chinese apps, and turned to platforms blocked in the country, such as Twitter and YouTube, using VPN services to get the message out, showing their willingness to let the world know about their situation.<sup>8</sup>

## 2.2 Censorship during Shanghai lockdown

Just like in Wuhan in 2020, on March 28th, 2022, a strict lockdown was imposed on Shanghai, China's most populous city. Behind the rigid containment methods, lies the national zero COVID-19 policy, implemented with the aim of containing the new wave of infections caused by the Omicron variant.<sup>9</sup>

Since the announcement of the temporary lockdown, in an echo of what happened in Wuhan, people started to take to social media to show their anger and criticise the harsh measures and their consequences, including a policy separating infected children from their parents, disrupted food supplies and strained medical resources. China's censors have again been hard at work trying to contain the eruption of public outrage, but their efforts have been often useless, as the city's 26 million residents tried to find a way to share their opinions without being silenced.<sup>10</sup>

Some sources refer to what Shanghai citizens have done as rewriting Chinese censorship. There are in fact two aspects that stand out: the high profile of the silenced users and the amount of content that survived despite censorship efforts. Key targets for censors have again been medical professionals trying to share their

7. Al Jazeera. (2020, February 3). Wuhan turns to social media to vent anger at coronavirus response. Retrieved July 12, 2022, from <https://www.aljazeera.com/news/2020/2/3/wuhan-turns-to-social-media-to-vent-anger-at-coronavirus-response>

8. Al Jazeera. (2020, February 3). Wuhan turns to social media to vent anger at coronavirus response. Retrieved July 12, 2022, from <https://www.aljazeera.com/news/2020/2/3/wuhan-turns-to-social-media-to-vent-anger-at-coronavirus-response>

9. VOA News. (2022, April 9). Shanghai Showing Strain of Life Under Strict COVID Lockdown. Retrieved July 12, 2022, from <https://www.voanews.com/a/shanghai-showing-strain-of-life-under-strict-covid-lockdown-/6521960.html>

10. Meaker, M. (2022, May 4). Shanghai Is Rewriting Chinese Censorship Amid Lockdown. Retrieved July 12, 2022, from <https://www.wired.com/story/shanghai-lockdown-china-censorship/>

knowledge and opinions. For instance, Dr. Miu Xiaohui, a retired infectious disease expert, tried to calculate how many people affected by diabetes might have died due to the lack of medicine and proper treatments during Shanghai's lockdown. It was 2,141 people, an impressive number, which has been deleted jointly with the whole blog post. What happened in Shanghai during the lockdown has been described as cat-and-mouse dynamics, put in place by the city's restless and creative citizens. According to Human Rights Watch, Chinese censorship has become stricter since 2013, when two million people were employed to track content posted online, creating one of the world's most advanced internet filtering and censorship apparatuses. Nevertheless, Shanghai's residents demonstrated its weaknesses: Guobin Yang, a professor at the University of Pennsylvania who studies contemporary China, pointed out how social media censorship in the country still relies on human labour, making the apparatus often subject to failure. For instance, a video entitled "Voices of April", combining aerial shots of the city and recordings made by distressed residents went viral despite the censorship. The video shows the story of a man pleading for his sick father to be allowed to go to the hospital, children crying in quarantine centres after being separated from their parents, and residents shouting from their houses asking the government to provide them with supplies.<sup>11</sup>

The video was taken down and uploaded again several times in ways people hoped would evade the censors' detection. It was posted upside down, the audio was paired with different images, and people posted fake movie posters including a QR code which lead to the clip.

Some people also tried to report content on international platforms, such as Twitter, despite police intimidation. According to Zachery Steinert-Threlkeld, an assistant professor at UCLA, more people than ever accessed the social network from China using a virtual private network. However, less tech-savvy people went around censorship by hiding criticism behind code words or ambiguous references.<sup>12</sup>

"The Chinese understand there is a limit to free expression, especially when it comes to politics," says the co-founder of Great Fire, an organisation that tracks censored posts on Chinese social media platforms. But he believes that the Shanghai lockdown goes beyond what people are used to facing because they are personally affected and, therefore, willing to push the limits of free expression they would normally accept.<sup>13</sup>

11. Meaker, M. (2022, May 4). Shanghai Is Rewriting Chinese Censorship Amid Lockdown. Retrieved July 12, 2022, from <https://www.wired.com/story/shanghai-lockdown-china-censorship/>; Freedom House. (2022, May 19). China's Censors Aim to Contain Dissent During Harsh COVID-19 Lockdowns | Opinion. Retrieved July 12, 2022, from <https://freedomhouse.org/article/chinas-censors-aim-to-contain-dissent-during-harsh-covid-19-lockdowns-opinion-0>;

12. Meaker, M. (2022, May 4). Shanghai Is Rewriting Chinese Censorship Amid Lockdown. Retrieved July 12, 2022, from <https://www.wired.com/story/shanghai-lockdown-china-censorship/>

13. Meaker, M. (2022, May 4). Shanghai Is Rewriting Chinese Censorship Amid Lockdown. Retrieved July 12, 2022, from <https://www.wired.com/story/shanghai-lockdown-china-censorship/>

## A Clear violation of International norms and conventions

### 3.1 The protection of freedom of expression in international norms

The Universal Declaration of Human Rights, stated in Article 19 that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

International Covenant on Civil and Political Rights (ICCPR), says in its Article 19 that

“1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 3 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the right or reputations of others; (b) For the protection of national security or of public order, or of public health or morals.”

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), in its Article 10:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary for a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

### 3.2 The Chinese Legal Framework

China's constitution protects the freedom of speech and press of its citizens to a certain extent, but the regulations introduced, the restrictions taking place during Covid-19 and the opacity of Chinese media regulations allow authorities to crack down on news stories “by claiming that they expose State secrets and endanger the country”.

The definition of “State secrets” in China remains vague, facilitating censorship of any information that authorities deem harmful to their political or economic interests. Council of Foreign Relations (CFR's: Senior Fellow Elizabeth C. Economy says the Chinese government is in a state of “schizophrenia” about media policy as it “goes back and forth, testing the line, knowing they need press freedom and the information it provides, but worried about opening the door to the type of freedoms that could lead to the regime's downfall”.

Between 1994 and the present, China's rules and regulations on the Internet became progressively more comprehensive, moving from efforts to regulate Internet business to restrictions on news sites and chat rooms. These regulations give the government wide discretion to arrest and punish any form of expression. For example, "topics that damage the reputation of the State" are banned, but an Internet user has no way of knowing what topics might be considered injurious. As the regulatory framework evolved, the Chinese government shifted primary responsibility for control of the Internet from the Ministry for Public Security to the internet service providers themselves.

In 1994, one year before the internet became commercially available for individuals in China, the State Council issued the "PRC Regulations for the Safety Protection of Computer Information Systems" which gave the Ministry of Public Security overall responsibility for the supervision of the Internet. According to Article 17 of the Regulations, Public Security is entitled to "supervise, inspect and guide the security protection work", “investigate and prosecute illegal criminal cases" and "perform other supervising duties". In February 1996, the State Council issued rules on the connection between China's domestic network and the international Internet. These regulations began to shift some of the responsibility for control of content to the Internet companies themselves. Article 11 of that order reads: “Units providing international inward and outward channels and interactive and interfacing units shall establish a network management centre to strengthen the management of their own units and their consumers according to the relevant laws and State regulation, to improve network information security management, and to provide good and safe services to consumers”.

Article 13 continues:

“[U]nits and individuals engaging in Internet business shall strictly enforce safety and security control systems according to relevant state laws and administrative regulations and shall not make use of the Internet to conduct

criminal activities - including activities prejudicial to state security and the leakage of state secrets - or to produce, retrieve, duplicate, and disseminate information prejudicial to public order or pornographic materials".

Public Security then issued a decree that all Internet users register with a police bureau in their neighbourhood within thirty days of signing up with an ISP. Police stations in provinces and cities followed up on this almost immediately. They also set up computer investigation units.

In December 1997, Article 5 of the "Computer Information Network and Internet Security, Protection and Management Regulations," issued by the Ministry of Public Security, states:

No unit or individual may use the Internet to create, replicate, retrieve, or transmit the following kinds of information:

1. Inciting to resist or violate the Constitution or laws or the implementation of administrative regulations.
2. Inciting to overthrow the government or the socialist system.
3. Inciting division of the country, harming national unification.
4. Inciting hatred or discrimination among nationalities or harming the unity of the nationalities.
5. Making falsehoods or distorting the truth, spreading rumours, destroying the order of society.
6. Promoting feudal superstitions, sexually suggestive material, gambling, violence, murder,
7. Engaging in terrorism or inciting others to criminal activity; openly insulting other people or distorting the truth to slander people.
8. Injuring the reputation of State organs;". Article 8 of the same regulations state: "Units and individuals engaged in Internet business must accept the security supervision, inspection, and guidance of the Public Security organisation. This includes providing to the Public Security organisation information, materials and digital documents, and assisting the Public Security organisation to discover and properly handle incidents involving law violations and criminal activities related to computer information networks".

Article 57 of the Telecommunications Regulations state that:

"No organisation or individual may use telecommunications networks to make, duplicate, issue, or disseminate information containing the following:

- (1) Material that opposes the basic principles established by the constitution.

- (2) Material that jeopardises national security, reveals State secrets, subverts State power, or undermines national unity;
- (3) Material that harms the prosperity and interests of the State.
- (4) Material that arouses ethnic animosities, ethnic discrimination, or undermines ethnic solidarity;
- (5) Material that undermines State religious policies, or promotes cults and feudal superstitions;
- (6) Material that spreads rumours, disturbs social order, or undermines social stability;
- (7) Material that spreads obscenities, pornography, gambling, violence, murder, terror, or instigates crime;
- (8) Material that insults or slanders others or violates the legal rights and interests of others;
- (9) Material that has other contents prohibited by laws or administrative regulations”.

Meanwhile, the "Measures for Managing The Internet Information Services" make service providers responsible for the content they display. Articles 14 through 16 of these regulations could easily be used to curb freedom of expression. Article 14 says that the service providers must record their subscribers' access to the Internet, their account numbers, the web addresses they call up as well as the telephone numbers they use and store this information for 60 days. Article 15 repeats the eight categories of information that are not to be produced on the Internet. Article 16 then goes on to say that if the material under these categories is discovered, "it shall immediately stop the transmission, keep the relevant records, and report the situation to the relevant State authorities". In cases of a gross violation of law and where severe harm is caused to the State and people, law offenders may be sentenced to death, and the State will confiscate their properties

It is clear that even if the Constitution tries to protect the freedom of expression and belief, other norms show the heavy restrictions available. A contradiction in the local norms is present, as some articles like Article 57 that limit the freedom when it faces the State's own good.

## The International Response to Chinese Censorship

Governments, civil society groups, and United Nations officials frequently expressed their growing concern over the Chinese government's human rights violations. Furthermore, according to Human Rights Watch, EU Member States continued to issue strong statements of condemnation of China's human rights abuses at the UN.<sup>14</sup>

However, international technology companies seem reluctant in preventing censorship, in fact, their operations in China have continued to facilitate government censorship. According to the New York Times, Apple created a mechanism to reject apps that could run afoul of government censors. However, it later announced that it would not implement the new measures in China. Moreover, Bing and LinkedIn, both owned by Microsoft, were reported to block content and profiles associated with critics of the Chinese government.<sup>15</sup>

Furthermore, China requires foreign journalists to obtain special permission to report in the country and has used this policy as an administrative roadblock to prevent reporters from spreading information on potentially sensitive topics.<sup>16</sup> As such, taking into consideration the difficulties that Chinese people face in accessing international social media platforms, it is not surprising at all that both the Wuhan and the Shanghai lockdowns have been characterised by poor international coverage: not only has foreign reporters have always been prevented from expressing information freely, in the Covid-19 era, China also especially targeted them, often kicking them out from the country as a means of silencing voices that could possibly raise awareness about human rights violations perpetrated in the country.

14. Human Rights Watch. China, Events of 2021. Retrieved July 12, 2022, from <https://www.hrw.org/world-report/2022/country-chapters/china-and-tibet>

15. Human Rights Watch. China, Events of 2021. Retrieved July 12, 2022, from <https://www.hrw.org/world-report/2022/country-chapters/china-and-tibet>

16. Xu B. and Albert E. (2017, February 17). Outpouring of Resentment on Chinese Social Media Is Overwhelming Censors. Retrieved July 12, 2022, from <https://www.cfr.org/backgrounder/media-censorship-china>

## Conclusion

To conclude, deleting critical information online, censoring the media, punishing whistleblowing doctors, detaining and disappearing independent journalists and government critics, and kicking out foreign reporters, as mentioned, was the way for the Chinese government to limit the freedom of expression against Covid-19. Going against the international norms and the Chinese Constitution, some domestic laws protect the decisions taken by the authorities.

At last, even if the international community raised concerns about what is happening in Shanghai and elsewhere in China, no real measures were taken against these violations.

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