safeguard
DEFENDERS

Information provided to **the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression** regarding its **Report on Disinformation**

About Safeguard Defenders

Safeguard Defenders is a human rights NGO founded in late 2016 that undertakes and supports local field activities that contribute to the protection of basic rights, promote the rule of law and enhance the ability of local civil society and human rights defenders in some of the most hostile environments in Asia.

- https://safeguarddefenders.com/

Issues

This submission deals with disinformation tactics and strategies perpetrated by China and its State/Party actors.

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Limiting freedom of expression and free media's reporting related to Covid-19 virus across China

China immediately sprung into action to control what was being said about the Coronavirus outbreak as early as December 2019, using measures that not only infringed on the right to free speech but also employing heavy-handed censorship, silencing medical professionals, using detentions, public humiliation and punishment to block information that could have saved people's lives and caused unnecessary human suffering**.** The most famous case is that of whistle-blower Dr. Li Wenliang who was punished by the police for sending a private message on social media urging other doctors to take precautions against this mysterious new disease. The police forced him to sign a document saying he had made false statements. He later succumbed to the virus and died leaving a wife and infant daughter.

As people around China panicked and sent messages on their social media, police began rounding them up and forcing them to make recorded forced confessions – many of them locked into tiger chairs -- which were then aired on official police Weibo and WeChat accounts to scare others into keeping silent about the disease. Safeguard Defenders found dozens of these videos in a simple search uploaded nationwide in a rights-abusing campaign to "refute the rumours" by frightening people into thinking twice about discussing the disease on the Internet. From our knowledge about forced confessions in China, none of these people would have had access to a lawyer. Media reports confirm at least some were then subjected to criminal or administrative punishment.

Leaked government documents have shown instructions to remove asymptomatic cases from the Corona virus infection count, and administrators under the Chinese Communist Party (CCP), not doctors themselves, controls whether cases filed by doctors gets included in the official statistics or not. In addition, new evidence has been presented showing that some Chinese social media started censoring discussion on the Corona virus as early as late December 2019.

- A very in-depth report has been published, in English, by the Network for Chinese Human Rights Defenders, which is being updated regularly, available here.
- The use of broadcasting forced filmed confessions, long before any trial or even arrest, specifically related to Corona virus management, can be found here.

These actions show, with clarity, that disinformation by state actors can take lives, and need be addressed, and stand as the focus for work to counter disinformation and its effects on human rights protections.

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China's widespread censorship and control of information

China remains one of the world's most restrictive environments for the media, both offline and online. The regime operates the world's most sophisticated system of censorship, commonly referred as the "Great Firewall". It also persecutes and prosecutes those that provide tools to circumvent such media censorship.

Increasing effectiveness of its disinformation tools by censoring foreign media

In addition to its continued control over news reporting by national media, the CCP has increased its control and censorship of foreign journalists, by refusing to renew their accreditation or simply banning them from the country. Such was the case for freelance journalist Bethany Allen-Ebrahimian in June 2019, for Chun Han Wong, in August the same year, and for three Wall Street Journal journalists who were expelled from China in retaliation for an opinion piece published in February 2020. In March last year China stunned the world by kicking out all foreign journalists from several U.S. media, the New York Times, the Washington Post and the Wall Street Journal, while forcing Voice of America and Time Magazine to provide detailed information on their operations in China. Local assistants are also being denied right to work for them, effectively shutting them all down in its entirety.

In addition to the withholding of or threats to withhold visas Foreign journalists continued to encounter various forms of harassment during the year, including physical abuse, short-term detention to prevent meetings with certain individuals, intimidation of Chinese sources and staff, and surveillance.

Pressure on foreign journalists can particularly be seen in Hong Kong were numerous journalists have been arrested and sometimes detained by the Hong Kong police throughout the year, often because of their coverage of the protests by Hong Kong citizens against Beijing's tightening grip on the special administrative region. Within the first week of June 2019, just before the 30th anniversary of Tiananmen massacre in June 1989, the websites of 12 major international news outlets were blocked, including CNN, the *Washington Post* and the *Guardian,* many of which remained blocked weeks after the commemoration.

Increasing effectiveness of its disinformation tools by expanded online censorship

The already limited space for media freedom shrank further during 2019. Increased controls extended to apolitical spaces such as online music stores and platforms for live streaming, dating, celebrity gossip, and blockchain technology, with authorities suspending or tightening scrutiny of features that enable real-time communication. Economic news remained more heavily censored than in the past amid an escalating trade war with the United States and a slowing domestic economy.

Continued implementation of the 2017 Cybersecurity Law, along with other regulations and increased pressure on private technology companies, has also resulted in greater and more sophisticated internet

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censorship. The multipurpose social media tool WeChat increasingly employed artificial intelligence to scan and delete images that were deemed to include banned content. Throughout 2019, large-scale deletions of posts and accounts occurred on both WeChat and the Sina Weibo microblogging platform.

Increasing effectiveness of its disinformation tools by persecuting those offering tools to counter disinformation and censorship

A number of rights defenders have been sentenced to prison in recent years for selling VPN services. Several editors of human rights websites and smaller social media groups were jailed for their online activities. In July 2019, Huang Qi, founder of the human rights website 64 Tianwang, was sentenced to 12 years in prison for "intentionally leaking state secrets." State media had warned that WeChat group administrators could be held responsible for the content in their group under regulations in effect since 2017. Chinese users of Twitter also faced an increase in reprisals for their activities on the blocked platform, including detention, interrogation, job dismissal, and forced deletion of messages.

In mid-December 2019, the Chinese authorities have approved new "Provisions on the Governance of the Online Information Content Ecosystem" that expand the scope of online censorship, emphasize the war against "negative" content and make platforms more liable for content violations. They took effect on March 1. While China previously had numerous, separate regulations for everything from live-streaming to news media to chat groups, the new provisions consolidate them into a more coherent system of global rules for everything that happens on the country's Internet.

According to the new law:

- Illegal content includes the "dissemination of rumors," "disrupting economic or social order," "subverting the national regime," and "destroying national unity."
- Negative content includes "sensationalizing headlines" and any "other content with a negative impact to the online information ecosystem."
- Encouraged content includes "spreading and explaining Party doctrine," "spreading economic and social achievement" and "other positive and wholesome content."

Censorship and limiting freedom of information being abetted by the United Nations

Despite continued revelations that Chinese social media groups' servers in China re accessed by police at will, with no required court order, and that they are, **by law**, required to assist the Chinese police and Ministry of State Security (MSS) in any matter deemed related to national security, the United Nations in early April 2020 stunned the world, while few paid attention due to the Corona outbreak, when they announced a partnership with Tencent[i], the owner of QQ and WeChat – China's two largest chat- and social media platforms. Even for communication between those not in China, traffic flows through Chinese servers, at real time access by the Chinese State, and by law any encryption keys used must be shared with the Chinese State, given them full and total real-time access. Specifically, the partnership calls for hosting online conversations through VooV Meeting (international version of Tencent Meeting), WeChat

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Work and Tencent Artificial Intelligence Simultaneous Interpretation (Tencent AI SI), on issues related to "international cooperation".

A new report by University of Toronto's CitizenLab[ii] as exposed significant, China-linked, security flaws in Zoom, currently being used by governments – including the UK, NGOs and businesses around the world. A report on Zoom shows it **maintains at least 5 servers in China**, and traffic, as per custom on internet infrastructure, may pass through those servers rather than those in the United States. Zoom claimed at first to use end-to-end encryption, but when challenged had to admit it does not. That means that, by law in China, encryption keys to those servers must be given to the Chinese State, which would mean that Zoom servers in China, and all conversation passing through them, are accessible to Chinese police and MSS, in its entirety. There is no knowledge that such keys has been given to the Chinese State, but they are mandated to do so by law. A tested conversation between Canada and the U.S. went through a server in Beijing.

- Read the full technical analysis here.

Censorship during the Covid 19 crisis

Amid the coronavirus epidemic, suppression of "negative" and independently produced information remained a top priority for the CCP. This has been illustrated by the disappearance, in February 2020, of three citizen journalists who had been live streaming updates from Wuhan. The three citizen journalists, Fang Bin, Chen Qiushi, and former journalist Li Zehua, had separately recorded and disseminated video reports from Wuhan, showing events and how the crisis was being handled by the authorities, shooting images in hospitals and quarantined areas. Fang Bin and Li Zehua were officially detained by police (Li filmed his arrest), while Chen Qiushi is believed to be held incommunicado by the State security.
The full translation of the new provisions can be found here.

- On Foreign media censorship, see CPJ's reports here.
- On Internet censorship, see Freedom House's "Freedom on the Net report" (2019)

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Chinese State/Party media's complicity in human rights abuses, suppression of freedom of speech, suppression of free media

- See the comprehensive review filed to the Special Rapporteur, and other Special Procedures, on this issue on 2020-08-11, by a consortium[1] of human rights groups. It is **available online here**, both the submission itself, and an expanded appendix with all the data and evidence to back up the allegations.

China's systematic use of having those detained, but not yet put on trial, confess to crimes on video, and then broadcast those on TV, largely dates back to the rise of Xi Jinping. This practice in particular targets journalists, those working with information dissemination, and those active in civil society. It actively seeks to limit freedom of information, and silence any voice challenging the "news" as decided on by the Chinese Communist Party. Most recently such disinformation via forced televised confessions has targeted issues and people related to Covid-19 virus.

The use of this violation, and the role that media companies plays in them, has been extensively covered by Safeguard Defenders. It has shown that media, especially China Central Television (CCTV) does not merely broadcasts these video, but add post-production and in many cases, helps the police record them and conduct the interviews to extract answers from the suspects, many of whom are put through this while held incommunicado at secret locations through the RSDL system.

Chinese State/party media journalists are brought to secret prison facilities, where people are held incommunicado, and helps the police record these confessions, including reading questions to victims based on pre-written questions given to them by police, and will observe the victims reading pre-written answers in return. Any illusion that these media conduct journalism should be firmly debunked.

- Detailed testimonies on how State media journalists helps police extract, record and produce such confessions is available in Safeguard Defenders book *Trial By Media* as well as in the report *Scripted and Staged*.

Recently, several developments have made this phenomenon become an issue of concern not only in China, but internationally.

CGTN (China Global Television Network, its English language channel) and CCTV-4 (Chinese language international channel), has aired at the nearly 60 such forced TV confession broadcasts in the internationally. The practice is widespread and systematic, and in clear violation of significant parts of the international law, customary law and non-binding practices. The practice directly undermines the right to a fair trial, and is often only procured after extensive torture and/or enforced disappearances, but also seeks to disseminate fake news, but having the victims confess to a variety of untrue accusations, and then having these broadcast to steer public opinion, limit access to truthful and verifiable information, and to harm the groups that the victims represent.

[1] Safeguard Defenders, RSF, HRW, CSW, Front Line Defenders, OMCT and ChinaAid

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United Nations and individual countries are failing to hold Chinese media's disinformation campaigns accountable.

Regulatory bodies response to evidence provided on the above (forced televised confessions) has yielded little to no action, with the exception of the UK's TV-regulator Ofcom, despite all regulatory bodies having commitment to do so, based on several instruments of international law and international customary law, and in Europe in accordance with ECHR.

Likewise, the Special Rapporteur, nor any other Special Procedures, has, as far as is known, taken no action on the comprehensive submission made by a consortium of human rights group, not even filed a general letter of allegation to the Chinese government on the issue.

[i] https://martechseries.com/video/tencent-united-nations-announce-global-partnership-hold-thousands-conversations-online-platforms-including-voov-meeting-uns-75th-anniversary/
[ii] https://citizenlab.ca/2020/04/move-fast-roll-your-own-crypto-a-quick-look-at-the-confidentiality-of-zoom-meetings/

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