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CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ANNUAL REPORT

2023

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

MAY 2024

Printed for the use of the Congressional-Executive Commission on China

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SUMMARY OF CONTENTS

	Page
Section I. Contents	v
Section II. Executive Summary	1
Section III. Respect for Civil Liberties	48
Chapter 1—Freedom of Expression	48
Chapter 2—Civil Society	69
Chapter 3—Freedom of Religion	86
Section IV. Rule of Law in the Justice System	105
Chapter 4—Criminal Justice	105
Chapter 5—Access to Justice	121
Section V. Freedom to Participate in the Political Process	131
Chapter 6—Governance	131
Section VI. Discrimination, Societal Abuses, and Trafficking in Persons	145
Chapter 7—Ethnic Minority Rights	145
Chapter 8—Status of Women	155
Chapter 9—Population Control	169
Chapter 10—Human Trafficking	182
Section VII. Worker Rights	196
Chapter 11—Worker Rights	196
Section VIII. Other Thematic Issues	214
Chapter 12—Public Health	214
Chapter 13—The Environment and Climate Change	231
Chapter 14—Business and Human Rights	245
Chapter 15—North Korean Refugees in China	261
Chapter 16—Technology-Enhanced Authoritarianism	270
Section IX. Tibet	283
Chapter 17—Tibet	283
Section X. Xinjiang	301
Chapter 18—Xinjiang	301
Section XI. Hong Kong and Macau	326
Chapter 19—Hong Kong and Macau	326
Section XII. Human Rights Violations in the U.S. and Globally	344
Chapter 20—Human Rights Violations in the U.S. and Globally	344
Section XIII. Additional Views of the Commissioners	357

Section I. Contents

Page

Section II. Executive Summary 1
A. Statement from the Chairs 1
B. Overview 3
C. Key Findings 8
D. Political Prisoner Database 26
E. Political Prisoner Cases of Concern 30
F. General Recommendations to Congress and the Administration 39
G. Commission Activity July 2022–November 2023 46
Section III. Respect for Civil Liberties 48
Chapter 1—Freedom of Expression 48
A. Findings 48
B. Recommendations 49
C. Freedom of the Press 51
1. Party Control of the Media 51
2. Harassment, Detention, and Imprisonment of Journalists 51
3. Conditions for Foreign Journalists 52
D. In-Person Protest and Assembly 53
1. White Paper Protests 53
E. Internet 54
1. Regulatory Developments 54
2. Censorship 55
F. Suppression of Independent Expression before the 20th Party Congress 56
G. Art, Entertainment, and Literature 59
H. Educational and Research Institutions 60
Chapter 2—Civil Society 69
A. Findings 69
B. Recommendations 70
C. Introduction 72
D. Regulations and Policy Pertaining to Civil Society 72
1. Authorities Expand Control over Social Organizations 72
2. Social Organizations Deemed "Illegal" 73
E. Foreign NGO Activity in China 73
F. Official Support for Charities and Philanthropic Giving 74
G. White Paper Protests 74
H. Harsh Sentencing of China Citizens Movement Organizers 76
I. Government Suppression of Civil Society 76
J. Status of LGBTQ Persons 77
Chapter 3—Freedom of Religion 86
A. Findings 86
B. Recommendations 87
C. Introduction 88
D. International and Chinese Law on Religious Freedom 88
E. Regulations and Policies Pertaining to Religious Freedom 88
F. Sinicization of Religious Groups and the 20th Party Congress 90
G. Buddhism (Non-Tibetan) and Taoism 90
H. Islam 91
I. Christianity—Catholic 92
1. Compliance with the Sino-Vatican Agreement 92
2. Coercion and Repression of Catholic Communities 93
3. Control of the Catholic Church in Hong Kong 94
J. Christianity—Protestant 94
K. Falun Gong 95
L. Other Religious Communities 96

Page

Section IV. Rule of Law in the Justice System 105
Chapter 4—Criminal Justice 105
A. Findings 105
B. Recommendations 105
C. Introduction 107
D. Lack of Judicial Independence 107
E. Arbitrary Detention 107
F. Extrajudicial Detention 108
1. Enforced Disappearance 108
2. Black Jails 108
3. Psychiatric Facilities 109
4. Administrative Detention 109
5. Retention in Custody 110
G. Abuse of Criminal Provisions 110
H. Restriction of Liberty of Foreign Individuals 111
I. Torture and Abuse 112
J. Death in Custody 112
K. Residential Surveillance at a Designated Location 113
L. Denial of Counsel and Family Visits 113
M. The Death Penalty 114
N. Legal Developments 114
Chapter 5—Access to Justice 121
A. Findings 121
B. Recommendations 121
C. Introduction 123
D. Lack of Judicial Independence and Transparency 123
E. Reform of the Petitioning System 123
F. Persecution of Petitioners 124
G. Persecution of Legal Professionals 125
1. Enforced Disappearance 125
2. Sentencing 126
3. Pre-Sentencing Detention 126
Section V. Freedom to Participate in the Political Process 131
Chapter 6—Governance 131
A. Findings 131
B. Recommendations 131
C. Introduction 133
D. Xi Jinping Further Solidified Political Power 133
E. Policy Plan Affirmed Undemocratic Political System 133
F. Government's Handling of COVID-19 and Related Protests 134
G. Government's Response to Other Protests 136
H. Strengthening Grid Management 137
I. Rural Policies 137
J. Online Movement Exposed Corrupt Practices 138
K. PRC Counterespionage Law 139
Section VI. Discrimination, Societal Abuses, and Trafficking in Persons 145
Chapter 7—Ethnic Minority Rights 145
A. Findings 145
B. Recommendations 145
C. Introduction 147
D. Party and Government Policy toward Ethnic Minorities 147
E. Crackdown on Hui Religion and Culture 147
F. Hui Muslims in Yunnan Protest over Planned Partial Demolition of Mosque 148
G. Constraints on Language and Ethnic Identity in the IMAR 149
H. Mongols Fleeing China Face Transnational Repression, Repatriation 150
Chapter 8—Status of Women 155
A. Findings 155
B. Recommendations 155
C. Introduction 157
D. Political Representation and Public Participation 157
1. 20th Party Congress: No Female Representation in Top Leadership Body 157
2. Political Sensitivity over Women's Public Participation 157
E. CEDAW Review in May 2023 158

Page

Section VI. Discrimination, Societal Abuses, and Trafficking in Persons—Continued
E. CEDAW Review in May 2023—Continued
1. Women Political and Religious Prisoners 158
2. Chinese Women's Rights in Law 159
3. Chinese Influence Efforts at CEDAW 159
F. Gender-Based Violence 160
1. Domestic Violence: Too Few Protection Orders 160
2. Sexual Harassment and Assault 161
Chapter 9—Population Control 169
A. Findings 169
B. Recommendations 169
C. International Standards and the PRC's Coercive Population Policies 171
D. Population Decline and Official Responses 172
1. Official Policies, Actions, and Proposals 172
E. Public Discontent with the Pro-Natal Population Policy 174
F. Rights of Unmarried Women with Children 175
G. Continuing Effects of the One-Child Policy 175
Chapter 10—Human Trafficking 182
A. Findings 182
B. Recommendations 182
C. China's Human Trafficking and Forced Labor Obligations under International Law 184
1. Palermo Protocol 184
2. ILO Forced Labor Conventions and ILO Indicators of Forced Labor 184
D. Cross-Border Trafficking 185
E. Chinese Fishing Companies Sanctioned for Human Rights Abuses 186
F. Chinese Companies, Cobalt Mining, and Child Labor in the Democratic Republic of the Congo 186
G. Domestic Trafficking 186
1. Political Prisoners Forced to Labor in Hunan Province 188
2. International Transplant Organization Refused Organ Transplant Data from the PRC 188
H. U.N. Human Rights Bodies and Experts Expressed Concern over Forced Labor in the XUAR 188
Section VII. Worker Rights 196
Chapter 11—Worker Rights 196
A. Findings 196
B. Recommendations 197
C. Introduction 198
D. Protecting the Rights of Women in the Workplace 199
E. Worker Strikes and Protests 200
1. The Zero-COVID Policy and Its Aftermath 201
2. Protests at Foxconn's "iPhone City" in October and November 2022 202
F. Advocating for Worker Rights 203
1. Continued Suppression of Labor Advocacy and Civil Society 203
2. The Party's "Bridge" to Workers: The All-China Federation of Trade Unions 204
G. Selected Issues in Chinese Labor Rights 204
1. Retired Workers Protest Changes to Health Insurance 204
2. Worker Safety and Industrial Accidents 205
Section VIII. Other Thematic Issues 214
Chapter 12—Public Health 214
A. Findings 214
B. Recommendations 215
C. Introduction 216
D. COVID-19 217
1. The End of the Zero-COVID Policy 217
2. The Party's Authoritarian Control of Public Health 217
3. Lack of Data Transparency 218
4. Language about Public Health Risks Deleted from Amendment to PRC Wildlife Protection Law 219
5. Pandemic-Related Protests 219
6. The COVID-19 Pandemic and Mental Health in China 220
7. Propaganda and Disinformation 220

Page

Section VIII. Other Thematic Issues—Continued
E. Tenth Anniversary of the PRC Mental Health Law 221
1. Forced Psychiatric Commitment and Involuntary Hospitalization .. 221
F. Targeting Public Health Whistleblowers and Advocates 222
Chapter 13—The Environment and Climate Change 231
A. Findings 231
B. Recommendations 232
C. Introduction 233
D. Legal Developments and Guidelines 233
E. Climate Change 234
1. Air Pollution 235
2. Challenges in Protecting Water Security 236
3. Impact of Chinese Dams 236
F. Chinese Distant Water Fishing Fleet 237
G. Wildlife Protection 237
H. Environmental Advocacy Despite Suppression of Civil Society 237
I. State-Led Model of Environmental Public Interest Litigation 238
Chapter 14—Business and Human Rights 245
A. Findings 245
B. Recommendations 246
C. Introduction 247
D. Corporate Involvement in XUAR Forced Labor 247
E. The Uyghur Forced Labor Prevention Act 248
F. U.S. Federal Employee Retirement Investments Linked to Rights Abuses in the XUAR 249
G. Companies' Role in Government Data Collection, Surveillance, and Censorship across China 249
1. Data Collection and Surveillance 249
2. Government Censorship, Removals, and Closures 250
H. Amendments to the PRC Counterespionage Law and Impact on Global Businesses 253
I. Exporting China's Censorship 253
J. Worker Exploitation and Abusive Labor Practices 254
Chapter 15—North Korean Refugees in China 261
A. Findings 261
B. Recommendations 261
C. Introduction 263
D. Border Conditions during the COVID-19 Pandemic 263
E. North Korean Workers in China during the COVID-19 Pandemic 265
F. Trafficking of North Korean Women in China 265
G. Children of North Korean and Chinese Parents 266
Chapter 16—Technology-Enhanced Authoritarianism 270
A. Findings 270
B. Recommendations 270
C. Introduction 272
D. Violations of International Commitment to Prevent Racial Discrimination 272
E. Expansion of Surveillance Capabilities for Social Control 273
F. Surveillance and Tracking of White Paper Protests Using Artificial Intelligence 274
G. "Digital China" Policy Developments 274
H. Malign Influence and Data Sharing on TikTok and WeChat 275
I. Increased Repression and Censorship Online 276
J. Ruan Xiaohuan, Anonymous Blogger and Guide to Circumventing the Great Firewall, Sentenced to Seven Years in Prison 276
K. Increased Regulation of Generative AI for Social and Political Control 277
L. Manipulating International Opinion and Increased Harassment Online 277
Section IX. Tibet 283
Chapter 17—Tibet 283
A. Findings 283
B. Recommendations 284
C. Status of Negotiations between the Chinese Government and the Dalai Lama or His Representatives 285
D. Self-Immolations 285
E. Religious Freedom for Tibetans 285

Page

Section IX. Tibet—Continued
E. Religious Freedom for Tibetans—Continued
1. The Dalai Lama 287
F. COVID-19 in the Tibet Autonomous Region 287
G. Mass Biometric Data Collection and Surveillance in Tibetan Areas ... 289
H. Language and Cultural Rights 289
I. Restrictions on the Freedom of Expression and the Free Flow of Information 290
1. Six Tibetan Intellectuals Detained in Sichuan Province 292
J. Heavy Restrictions Remain on Freedom of Movement, Travel, and Access to Tibet 292
Section X. Xinjiang 301
Chapter 18—Xinjiang 301
A. Findings 301
B. Recommendations 302
C. Xi Jinping Visits the XUAR 304
D. Calls for Accountability for China at the U.N. for Rights Abuses in the XUAR 304
1. U.N. Report Documents Rights Violations in the XUAR 304
E. U.S. Legislation Targets Organ Harvesting, Seeks Accountability for Genocide 306
F. Turkic Muslims Sentenced to Lengthy Prison Terms 306
G. Forced Labor Involving Turkic and Muslim XUAR Residents 308
1. UFLPA Enforcement and Forced Labor Products in the United States 309
H. Repressive Surveillance Technology and Security Measures 309
I. COVID-19-Related Restrictions Lead to Deaths, Medical Issues in the XUAR 310
J. Harsh Policies Led to Multiple Deaths and Injuries in Urumqi Fire .. 311
K. Persecution of Ethnic Minority Women in the XUAR 312
1. Forced Interethnic Marriages 312
2. Population Control Measures Targeting Ethnic Minority Women ... 312
3. Rights Organizations Criticize China in Advance of CEDAW Review 313
L. Detention of Ethnic Kazakhs 313
1. Detention of Former Mass Internment Camp Detainee Zhanargul Zhumatai 314
M. Freedom of Religion 314
N. Transnational Repression of Uyghurs and Other Turkic Muslims 315
Section XI. Hong Kong and Macau 326
Chapter 19—Hong Kong and Macau 326
A. Findings 326
B. Recommendations 327
Chapter 19a. Hong Kong 328
C. Introduction 328
D. United Nations Reviews of Treaty Obligations 328
E. Party Control over Hong Kong Further Formalized 329
F. District Council Reform 329
G. Arbitrary Application of Criminal Provisions 329
1. Freedom of Speech 329
2. Freedom of the Press 330
3. Freedom of Association 330
4. Freedom of Civic Participation 331
5. June 4th Arrests 331
H. Deradicalization Program in Prisons 331
I. Extraterritorial Jurisdiction of the NSL 332
J. Restrictions on Representation by Foreign Counsel 333
K. Intimidation of Rights Lawyers 333
L. Academic Freedom 334
M. Staffing Shortages in the Public Sector 335
N. Suppression of the Press 335
O. Censorship 336
Chapter 19b. Macau 337
Section XII. Human Rights Violations in the U.S. and Globally 344
Chapter 20—Human Rights Violations in the U.S. and Globally 344
A. Findings 344
B. Recommendations 345

Page

Section XII. Human Rights Violations in the U.S. and Globally—Continued
C. Transnational Repression 346
1. Protesters Abroad Experience Intimidation, Reprisals, and Chilling Effects 347
2. Overseas Police "Service Stations" 349
3. Targeting Foreign Politicians and Government Officials 350
D. Foreign Development Projects 350
E. Efforts to Impede U.N. Human Rights Bodies 351
Section XIII. Additional Views of Commission Members 357

XI

The Commission's executive branch members have participated in and supported the work of the Commission. The content of this Annual Report, including its findings, views, legal determinations, and recommendations, does not necessarily reflect the views of individual executive branch members or the policies of the Administration.

The Commission adopted this report by a vote of 21 to 0.†

†Voted to adopt: Representatives Smith, Mast, Steel, Zinke, Nunn, McGovern, Wexton, Wild, and Salinas; Senators Merkley, King, Duckworth, Brown, Butler, Rubio, Cotton, and Daines. Executive Branch Commissioners Zeya, Lago, Lee, and Kritenbrink.
Voted to abstain: Senator Sullivan.

II. Executive Summary

STATEMENT FROM THE CHAIRS

This reporting year was marked by Communist Party leader Xi Jinping securing his third term as General Secretary, breaking from post-Mao "reform era" precedent, and by a continued high level of state repression, particularly in the Xinjiang Uyghur Autonomous Region (XUAR) and areas of the People's Republic of China (PRC) inhabited by Tibetans and other ethnic minority groups.

In spite of this—or perhaps because of it—the past year also saw the most public demonstrations directed at Chinese Communist Party (CCP) leadership since 1989's reform protests that ended in the Tiananmen Square Massacre. As elaborated more fully in the overview below and in the chapters of the Annual Report, this combination of factors pushing toward and pulling away from the PRC's centralizing governance system forces us to question assumptions about the durability of the repressive status quo.

Consistent with our statutory mandate to chronicle the PRC's human rights record via our comprehensive Annual Report, maintenance of a representative political prisoner database, and critical hearings examining expert testimony, the Congressional-Executive Commission on China (CECC, or the Commission) has sought to highlight abuses by the CCP and PRC authorities on a range of subjects, including worsening persecution of religious minorities—including Muslims, Christians, Falun Gong practitioners, Tibetan Buddhists and those whose faith practices are deemed unorthodox or "evil cults" (*xiejiao*) by the Communist Party—and the use of forced labor, particularly of oppressed groups such as Uyghurs and North Koreans in the PRC.

The Commission has expanded its focus on the PRC's transnational repression, directed primarily at diaspora communities in the United States and elsewhere, in particular Hong Kongers, Uyghurs, and other political dissidents.

The Commission also exposed the increasing use of technology as a tool of repression, from ubiquitous surveillance cameras to the digital tools used to surveil and suppress online religious expression.

Reflecting a desire by policymakers to expand the range of tools available to promote accountability for human rights violations, an increasing focus of the Commission has been to address complicity by U.S. and foreign corporations with regard to CCP oppression.

The Commission questioned Thermo Fisher Scientific over use of its DNA sequencers by police in the XUAR and Tibet, as well as the National Basketball Association's squelching of free expression of its players—including Enes Kanter Freedom—for speech that could be seen to offend the political leadership of the PRC, such as with regard to speaking out about atrocities in the XUAR or the shrinking political space in Hong Kong.

The Commission has overseen the implementation of the Uyghur Forced Labor Prevention Act (UFLPA), perhaps the most significant China-focused legislation to have come out of Congress in recent decades. The UFLPA, by creating a rebuttable presumption that goods originating in the XUAR are tainted by forced labor, has

put American businesses on notice about complicity in human rights abuses in the PRC and requires them to either clean up their supply chains or have their goods banned from importation. This is having a demonstrable impact on corporate behavior.

There is more that can be done to change how corporations view the risks of doing business in the PRC. As we look forward, this could be accomplished by linking access to capital markets to human rights records and directing the Securities and Exchange Commission to compel publicly traded corporations to disclose activities that intersect with human rights violations in the PRC such as forced labor, forced organ harvesting, or compliance with Hong Kong's National Security Law.

Finally, it is critical to note the unity of the Co-Chairs and Commissioners in viewing the leadership of the PRC as systematically and systemically seeking to redefine the rules of the post–World War II international order, including and in particular with regard to human rights norms.

Congress created the CECC in 2000. The way policymakers viewed China's trajectory then, both its domestic economic and political development and its relationship to the world, seems alien to us today. A majority in Congress thought that economic liberalization would lead to political liberalization. A minority, including the current Chair, did not accept this assumption and believed that a failure to put human rights at the forefront of engagement would enable Communist Party leaders to couple domestic repression with global economic integration.

Back then, the Commission looked at the rule of law, labor rights, and other topics as areas for potential progress. By contrast, today's Commissioners monitor genocide against Uyghurs, technology-enhanced authoritarianism, and Communist Party cooptation of religion. This is the harsh reality. Commissioners remain resolved to shine a light on this reality even as the CCP tries to cover it up. The work of this Commission remains as relevant as ever.

The Commission, and the Co-Chairs, stand united in their belief that human rights are universal, to be enjoyed by all—including by the long-suffering people of China.

Sincerely,

Rep. Christopher H. Smith
Chair

Senator Jeffrey A. Merkley
Co-Chair

OVERVIEW

This reporting year, the tension between the Chinese Communist Party's continuing efforts to tighten political control and the Chinese people's growing frustration with such efforts was very evident, making this year one which posterity may look back upon as pivotal. Notwithstanding the apparent triumph of Xi Jinping's consolidation of power at the 20th Party Congress in October 2022 and the vanquishing of intraparty rivals—punctuated by the very public removal of Xi's predecessor Hu Jintao from the Congress—the Commission's 2023 reporting year, which spans July 1, 2022 through June 30, 2023, was also an extraordinary year of public protest. After nearly three years of a heavy-handed, top-imposed zero-COVID policy that one writer likened to a "mass imprisonment campaign," China saw its largest mass protests since 1989, with citizens not only speaking out against censorship and restrictions on personal liberty but also demanding political reform.

In what became the most iconic image of the reporting year, a protester on Beijing's Sitong Bridge hung a banner calling for Xi Jinping to step down which quickly went viral, inspiring replicative protest statements in numerous cities and leading hyper-vigilant Party censors to go so far as to remove reference to Sitong Bridge from online maps. CECC Chair Representative Chris Smith and Co-Chair Senator Jeff Merkley, joined by former chairs Senator Marco Rubio and Representative James McGovern, nominated Sitong Bridge protester **Peng Lifa**—known as "Bridge Man," as his courage was redolent of Tiananmen Square's "Tank Man"—for a Nobel Peace Prize.

The chairs and former chairs also nominated, among others, **Li Kangmeng**—a university student from Nanjing, said to be the first person to have held up a blank sheet of paper as a protest symbol against censorship in what became known as the White Paper protests, echoing Hong Kongers' earlier use of blank sheets of paper to protest the enactment of the National Security Law.

Anti-COVID-lockdown protests erupted nationwide—one source recorded 77 mass protests in 39 cities throughout China from November 27 to December 8, 2022—after news that at least 10 Uyghur residents of an apartment complex in Urumqi perished in a fire due to a draconian zero-COVID lockdown that prevented their escape and rescue. Other mass protests this past year included demonstrations sparked by denial of access to bank funds in Henan province, which lasted from May to July 2022. Police squelched these protests, as captured on videos posted to social media. Additionally, retirees in Liaoning and Hubei took part in "gray hair" protests after local governments slashed promised medical benefits.

Likewise, the reporting period was marked by labor unrest, most notably at a Foxconn facility in Zhengzhou municipality, Henan—the world's largest assembly site for Apple iPhones—in late October and November 2022. Some workers protested management's purported disregard for their health and safety during the October protests by escaping the fenced-in compound. During the November protests, workers smashed security cameras, which in turn led to clashes with baton-wielding security forces.

Protests such as Bridge Man's and the White Paper protests are particularly significant because they engaged the Han majority and took place in the Han-majority heartland, but there were also attempts to pull the peripheries toward the center, which was met with consequential resistance. Most notable were efforts to erase the cultures of ethnic minorities via colonialist and assimilationist policies in Tibetan areas, the Inner Mongolia Autonomous Region (IMAR) and the Xinjiang Uyghur Autonomous Region (XUAR), as well as the near-total extinguishing of Hong Kong's unique identity, promised under the "two systems" framework.

During the reporting period, PRC officials continued to narrow the scope of mother-language education in Tibetan regions, the IMAR, and the XUAR, with plans announced or underway in some areas to restrict or even eliminate instruction in languages other than Mandarin. Criticism of these policies has been widespread, including from United Nations (U.N.) treaty monitoring bodies and special rapporteurs, as well as from this Commission, whose first hearing of the 118th Congress addressed "Preserving Tibet: Combating Cultural Erasure, Forced Assimilation, and Transnational Repression."

Xi Jinping's visit to the XUAR in July 2022 followed the end of a five-year plan to achieve "comprehensive stability" in the XUAR—a "stability" characterized by concentration camps, forced labor, and mass indoctrination of Uyghurs and other predominantly Muslim ethnic minorities, aided and abetted by Western corporations who source material from the XUAR. U.N. experts raised concerns about reports of the ongoing use of coercive birth control measures against these groups in the XUAR, including forced abortion, sterilization, and the placement of contraceptive devices, reportedly resulting in "unusual and stark" population declines in the XUAR in recent years.

The vigorous implementation in Hong Kong of the National Security Law led to increasingly constrictive control over a former colonial territory whose internal autonomy had been "guaranteed" under the "one country, two systems" formula to be retained for 50 years following 1997's retrocession. Overt protests in Hong Kong have receded in the wake of the dismantling of civil society and the heavy-handed prosecution of political and democratic opposition figures stripped of procedural rights; in the past few years, Hong Kong authorities have incarcerated political prisoners at a rate rivaling authoritarian regimes like Belarus and Burma. This transformation of Hong Kong society precipitated an outflow of talent to countries such as Canada, the United Kingdom, and Australia. Recent harassment of family members of overseas activists and restricted access to earned pension funds have also worked against the Hong Kong government's efforts to retain businesses and maintain confidence in the economy.

Some of the most outrageous attempts to assert centralized control occurred in the area of freedom of religion and belief. Under Xi Jinping, the Party has adopted a policy of "sinicization" of religion. During the reporting year, authorities took numerous steps to force religious teaching to conform with Party dogma or to further tighten state control over religious bodies, including:

• the flattening of domes and leveling of minarets of mosques not only in Muslim-majority communities in the XUAR, but also in Hui Muslim communities with deep roots in China;
• the installation of two Chinese Catholic Patriotic Association bishops in contravention of the 2018 Sino-Vatican accord that was renewed during the reporting year;
• restrictions upon proselytization of Tibetan Buddhism in non-Tibetan regions;
• the promulgation of Measures for the Financial Management of Venues for Religious Activities which bring religious organizations' finances under the joint oversight of the Ministry of Finance and the National Religious Affairs Administration, severely hampering their ability to raise and disburse funds independently; and
• the increased use of digital surveillance to track religious adherents, including, in Henan province, the forced downloading of a "Smart Religion" app.

Reactions to attempts to centralize control of religion included at least one case of mass protest, in Yuxi municipality in Yunnan province, in response to the attempted removal of "Arabic-style" domes and minarets in May 2023. Authorities deployed police in riot gear, who detained dozens of protesters, and, reportedly, a People's Liberation Army unit. In most cases, however, responses of dissent and resistance were more individualized.

Individual prisoners of conscience, including those whose beliefs are founded on conscientious adherence to religious tenets, those who advocate for civil and political rights, and those who merely associate with a disfavored group, are catalogued in the Commission's Political Prisoner Database (PPD), the maintenance and updating of which entails a major staff endeavor throughout the year. The PPD contains details concerning the unjust imprisonment of 10,889 prisoners of conscience—2,615 of whom were currently in detention as of June 30, 2023. The cases documented in the PPD are reflective of broad trends of government repression, though the total number of political prisoners in detention is much larger.

While active protest and direct criticism of government policies garnered the most headlines and attention, a more subtle but significant undercurrent emerged in the form of passive resistance. Unlike active street protests, where panopticon surveillance systems can identify ringleaders and vocal participants who then can be targeted for arrest, it is harder for authorities as well as outside observers to identify Chinese citizens engaging in the more subtle form of protest of disengaging from society out of disillusionment with the political or economic state of affairs in China.

The interplay between state tyranny and active or passive resistance is captured in one viral protest video that circulated last year before "being scrubbed from Weibo," China's Twitter-like medium, in which a security officer yelled at a protester that he and his descendants would be punished "for three generations!" Such a threat would have been effective not only during imperial times but also during the Maoist era, when the stain of being a member of an oppressor class like that of "landlord" was passed on generationally, but its efficacy is blunted when the response, as seen in the video, is "We are the last generation!" The disillusionment embodied by this statement can be viewed as a warning to the PRC's ruling au-

thorities of rising disaffection, particularly among younger generations, exacerbated by significant headwinds currently buffeting the PRC, including economic contraction.

These challenges may be compounded by significant failures of governance, demonstrated most vividly this past year by authorities' apparent inability to grapple effectively with the ongoing COVID-19 pandemic. The Party's over-long adherence to its zero-COVID policy, against the advice of medical and scientific experts, superseded putting in place a calibrated vaccination campaign that would have reached the most vulnerable; careful planning for the end of the policy; or coordination of broader healthcare needs. When the zero-COVID policy abruptly ended, massive infection rates and large-scale deaths ensued among a highly vulnerable population, particularly the elderly. The human toll of this governance failure reverberated in the form of over a million deaths and food, housing, and employment insecurity.

In spite of all of this, brave and determined people across China continue to push back against heavy-handed authoritarianism. White Paper protest participants demonstrated that "loose networks of professionals, friends, affinity groups, students, and others"—what one activist has called "units of resistance"—were able to connect and mobilize mass protesters.

The members of this Commission stand with those fighting for a freer future. In addition to advocating for political prisoners and shining a light on violations of universally recognized human rights, the Commissioners seek to prevent American businesses and capital markets from subsidizing tyranny, especially by holding to account corporations that are complicit in the importation of goods made with forced labor and by requiring that they cleanse their supply chains. Moreover, the Commission is concerned about reports published this past year documenting massive police surveillance programs in Tibetan areas that have collected the personal biometric data of millions of people, apparently without obtaining the consent of subjects and without any reference to a legitimate law enforcement need. These reports once again implicate an American company in the supply of instruments of repression to those seeking to crush ethnic and religious minority communities in China.

The chief legislative focus of the Commission, fully implemented during the reporting period, has been the Uyghur Forced Labor Prevention Act (UFLPA), landmark legislation introduced by then-Chairs McGovern and Rubio with lead co-sponsorship by current Chairs Smith and Merkley. The genius of the UFLPA is that it shifts the burden of demonstrating that goods are free from forced labor by creating a rebuttable presumption that any goods emanating from the XUAR are tainted and thus prohibited from importation.

The implementation of the UFLPA, overseen by the Forced Labor Enforcement Task Force and chaired by the Department of Homeland Security (DHS), has impacted corporate behavior. Businesses are now on notice that they must trace their supply chains and, armed with substantial new resources provided by Congress, U.S. Customs and Border Protection (CBP) now devotes unprecedented attention to investigating those supply chains. As a result, direct

exports from the XUAR have plummeted and businesses are changing their practices to speed up production capacity elsewhere in the world, increasing the diversification and sustainability of their supply chains. A publicly accessible CBP dashboard now tracks the number of shipments subjected to CBP review and enforcement action. During the reporting period, CBP also held a two-day "tech expo" for companies to underscore the UFLPA's requirements and CBP's intention to vigorously implement and enforce its provisions. Further actions taken by the Forced Labor Enforcement Task Force included expansion of the "Entity List" of banned Chinese companies tied to forced labor, which the Commission's Chairs have called a "a step in the right direction," though more needs to be done, as civil society organizations have identified thousands of companies based in China that are implicated in forced labor violations in the XUAR.

Other legislation advanced by the Commission's leadership seeks to elevate further the nexus between human rights and commercial activity. Senators Rubio and Merkley introduced the Uyghur Genocide Accountability and Sanctions Act to enhance accountability for and assist the victims of genocide, promote the preservation of cultural and linguistic heritages repressed by the Chinese government, and improve transparency of financial flows benefiting the perpetrators of egregious human rights abuses. Chairman Smith reintroduced the China Trade Relations Act of 2023 that would relink the PRC's Permanent Normal Trade Relations status with its human rights record, subjecting it to annual review.

And in a year that saw reports of extraterritorial Chinese police stations, also known as "service stations," in the United States and elsewhere in the world, the Chair, Co-Chair, and two ranking members simultaneously introduced the Transnational Repression Policy Act in both the Senate and the House.

Ultimately, notwithstanding efforts by the United States to encourage the PRC to safeguard the human rights of its citizens, the future direction of China resides decidedly within the country itself, and in the contest between authorities' efforts to assert broad societal control and the Chinese people's efforts to have a say in their own governance. Surveying the shifting landscape of the reporting year, with its centripetal and centrifugal forces contending, efforts to consolidate control continually collided with individual aspirations for freedom. This Commission remains committed to standing with the people over the powerful.

KEY FINDINGS

FREEDOM OF EXPRESSION

- The Chinese Communist Party (CCP) continued to treat PRC news media as its mouthpiece to provide the Party's version of the news and thereby shape public opinion. Xi Jinping framed the role of media as "ideological" work in his political report during the 20th Party Congress in October 2022.
- Many journalists, other media professionals, and "citizen journalists" remained in detention, in prison, or subject to bail conditions as a result of their reporting. Reporters Without Borders (RSF) estimated that China held 114 journalists in detention, and continued to rank China the world's top jailer of journalists overall, and female journalists specifically.
- Authorities continued to harass, surveil, and restrict foreign journalists and Chinese nationals working for foreign media companies. According to the Foreign Correspondents' Club of China (FCCC), harassment of foreign and local journalists and their sources significantly increased around the time of politically sensitive events. Of 102 survey respondents representing news organizations from 30 countries and regions, "100% said China did not meet international standards for press freedoms and reporting last year."
- Authorities continued to harass, detain, and imprison people who participated peacefully in in-person protests, demonstrations, and other gatherings, including those involved in the White Paper protests. During and after the White Paper protests, authorities took at least 30 people into custody and detained at least 100, while also interrogating many more participants about "sensitive" topics unrelated to the protests.
- Authorities censored online discussion of sensitive topics in which sources criticized or contradicted official policy or positions, including the September 2022 crash of a bus carrying people to a COVID-19 quarantine site that led to 27 deaths, information about mortgage boycotts involving tens of thousands of people and related protests, and social media posts covering a hospital fire in Beijing municipality that killed 29 in April 2023.
- The Cyberspace Administration of China (CAC) continued to unveil regulations diminishing freedom of expression in Chinese cyberspace, launching a "crackdown campaign" against "self media," or news created by independent users not registered as journalists, and adding requirements to monitor and control commenters and the content of comments on all internet platforms.
- In anticipation of the 20th National Congress of the Chinese Communist Party, authorities launched physical and digital campaigns of "stability maintenance and security work" and internet "purification," respectively—to suppress various sources of independent expression.
- Censors continued to suppress various forms of entertainment content that did not conform to the PRC's priorities, including books, comedy shows, and online poetry.

- State security officials continued detaining publishers and editors responsible for material considered sensitive to the Chinese government, including a high-ranking editor at a Party newspaper and a Taiwan-based publisher of books critical of the Party.
- The PRC continued to limit freedom of expression within educational and research institutions, introducing a draft law on widespread "patriotic education" and also issuing a guiding opinion that would increase ideological control over legal education.

Civil Society

- During the Commission's 2023 reporting year, PRC authorities tightened control over civil society, bolstering oversight of legal nongovernmental organizations (NGOs), which the Chinese government calls "social organizations" (SOs), and widely cracking down on the activities, expression, and existence of unregistered or "illegal social organizations" (ISOs), including human rights defenders, religious communities, and groups promoting labor rights, women's rights, and the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) persons.
- The Chinese Communist Party and government have pursued and implemented regulatory efforts to "gatekeep" registration for SOs, resulting in the lowest rate of registration of SOs since 2008.
- This year, the Chinese Communist Party Central Committee said that it would establish a social affairs work department that aims to improve Party-building in SOs, more firmly entrenching Party control over civil society.
- This past year, the Commission observed efforts to institutionalize an aggressive 2021 campaign that targeted both ISOs and the financial, technological, and administrative infrastructure that enables them to function, taking actions including banning legal organizations from any contact with ISOs.
- The Chinese Communist Party and government continued to incentivize SOs to engage in charity work and service provision in key sectors. Official efforts encouraged philanthropic giving aligned with Party and government goals, using oversight of crowdfunding platforms to both direct funds and exert control over NGOs.
- As of December 8, 2022, the Australian Strategic Policy Institute's China Protest Tracker recorded 77 protests across 39 Chinese cities, demonstrating that, while decentralized and ad hoc, White Paper protesters appear to have leveraged existing networks to generate a temporary but sustained nationwide pressure campaign against the PRC's zero-COVID policy.
- In April 2023, PRC authorities sentenced China Citizens Movement organizers and rights defenders **Xu Zhiyong** and **Ding Jiaxi** to 14 and 12 years in prison, respectively, for "subversion of state power," constituting what one longtime observer of the PRC justice system described as some of the harshest sentences he had seen in over 20 years.

- Chinese government authorities continued to censor and suppress efforts by advocacy groups in the LGBTQ community. In May 2023, the Beijing LGBT Center, one of the largest organizations serving the LGBTQ community, closed, reportedly due to pressure from authorities.
- Although social acceptance of LGBTQ persons and relationships has grown in China in recent years, PRC authorities have continued to tighten control over suspected LGBTQ representation and expression in media and entertainment.

Freedom of Religion

- During the 2023 reporting year, the Commission observed ongoing violations of religious freedom by the Chinese Communist Party and government, aimed at increasing state control of believers in both registered and unregistered religious communities.
- The Party and government took steps to implement measures pertaining to religion passed over the last several years, including measures regulating finances, venues, online activity, and religious clergy.
- Authorities required religious groups affiliated with Party-controlled religious associations to participate in educational and ceremonial events surrounding the 20th National Congress of the Chinese Communist Party, designed to reinforce "sinicization" among religious bodies.
- The Party and government sought to closely monitor and regulate Taoist and Buddhist groups, ensuring their adherence to the Party line and national agenda. In one instance, authorities used a controversial incident at a Buddhist temple to crack down on religious venues nationwide.
- National Religious Affairs Administration authorities launched searchable databases of approved Buddhist, Taoist, Muslim, Protestant, and Catholic clergy.
- PRC authorities continued to control and forcibly assimilate Hui Muslims throughout the country. According to a joint report released by two nongovernmental organizations, authorities have used counterterrorism policies instituted in Xinjiang to bar a range of Muslim practices, imposed "sinicization" to eradicate distinct ethnic and religious characteristics, and have "scattered" and relocated Hui communities under the rubric of Xi Jinping's "poverty alleviation" campaign.
- The Chinese Communist Party and government have continued their efforts to assert control over Catholic leadership, community life, and religious practice, installing two bishops in contravention of the 2018 Sino-Vatican agreement and accelerating the integration of the church in Hong Kong with the PRC-based, state-sponsored Catholic Patriotic Association and its Party-directed ideology.
- PRC authorities continued to violate the religious freedom of Protestants, engaging in pressure campaigns against unregistered churches by detaining church leaders and targeting several influential "house" church networks, renewing their cam-

paign against Chengdu municipality, Sichuan province's Early Rain Covenant Church.
• Chinese authorities continued to prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law." In December 2022, Falun Gong practitioner and radio host **Pang Xun** died after authorities tortured him while in custody.
• The Party's Anti-Cult Association updated their list of *xiejiao* (a historical term usually translated as "evil cults" or "heretical teachings"), a tool it uses to rank groups according to threat level and communicate its enforcement priorities.

Criminal Justice

• The criminal justice system in the People's Republic of China (PRC) remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party's authoritarian rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the state's or the Chinese Communist Party's authority.
• The judiciary is unambiguously political, as the chief justice of the Supreme People's Court called for "absolute loyalty" to the Party. Moreover, political intervention was evidenced in the case of citizen journalist **Fang Bin,** detained in 2020 in connection with his reporting on the coronavirus disease 2019 (COVID-19) outbreak in Wuhan municipality, Hebei province. A leaked document indicated that the court judgment in his case was a result of a decision made by the Party Central Committee Political and Legal Affairs Commission.
• Government officials arbitrarily detained political activists, religious practitioners, ethnic minorities, and rights advocates, including through extralegal means such as "black jails" and psychiatric facilities or through criminal prosecution under offenses such as "picking quarrels and provoking trouble" or crimes endangering state security. Some detainees, particularly those held incommunicado, reported being mistreated or tortured. After entering the formal legal process, defendants sometimes faced prolonged pretrial detention, closed trials, and delayed sentencing.
• Examples of arbitrary detention during the Commission's 2023 reporting year include the forcible disappearance in Shanghai municipality in March 2023 of **Li Yanhe,** an editor who published books banned in China. In April, police in Beijing municipality detained human rights lawyer **Yu Wensheng** and his wife, **Xu Yan,** as they were on their way to meet the European Union's Ambassador to China.
• Authorities likewise criminally detained participants in the White Paper protests, a series of nationwide citizen protests that took place in November 2022 in reaction to the government's harsh COVID-19 prevention measures and censorship. Protesters, including **Cao Zhixin, Li Yuanjing, Zhai Dengrui,** and **Li Siqi,** were forcibly disappeared for several

months before authorities lodged formal criminal charges against them.

ACCESS TO JUSTICE

- In the annual work report delivered in March 2023 at the meeting of the National People's Congress, Supreme People's Court (SPC) President Zhou Qiang emphasized the Chinese Communist Party's absolute leadership over the judiciary and reported having endeavored to strengthen political loyalty, protect political security, and educate court personnel about safeguarding Party General Secretary Xi Jinping's core leadership position. Rather than promoting judicial independence, reform efforts focused on improving organizational and bureaucratic efficiency in accordance with the Party's plans. While the work report claimed there had been improvements to judicial transparency, authorities had removed a significant number of judgments from an online judgment disclosure database, particularly in the areas of criminal cases and administrative litigation.
- Central authorities further formalized the Party's leadership in the petitioning system as part of an institutional reform that aimed at extending the Party's control over society as a whole. The petitioning system (*xinfang*) operates outside of the formal legal system as a channel for citizens to present their grievances in hopes of triggering discretionary involvement by Party officials in providing a resolution. Under a recently announced institutional reform plan, the government agency that oversaw petitioning was to be led by a functional department of the Party that coordinates and guides work relating to petitions and collecting citizens' suggestions.
- Petitioners continued to face persecution in the form of arbitrary detention in extralegal facilities. Some of those detained suffered mistreatment, including physical assault and electric shock.
- The space for human rights lawyers to operate continued to shrink in the wake of a nationwide crackdown that began in July 2015. As of February 2023, at least 14 human rights lawyers were under different forms of restrictions on their personal liberty: 1 lawyer was missing, 4 were serving prison terms, and 9 were being held in pre-sentencing detention.

GOVERNANCE

- The PRC moved further away from the collective governance model as Xi Jinping secured a third term as president and general secretary of the Chinese Communist Party, breaking with the established norm of a two-term office designed for peaceful transition of power. Individuals selected to fill other leadership positions had a working relationship with Xi or were described as Xi's loyalists, further reinforcing Xi's political dominance.
- Despite a claimed commitment to promoting democracy, the political system as envisioned by Xi Jinping is fundamentally undemocratic. When delivering his policy objectives, Xi de-

scribed a political system that was identical to the existing authoritarian system and called it democratic.
- While Xi said community-level self-governance was a manifestation of democracy, it was in fact a grid management system in which communities were divided into discrete units to facilitate monitoring and surveillance. Recent national-level policy that called for the grid to be staffed by police further demonstrated the government's intent on implementing pervasive social control.
- The PRC government's handling of the coronavirus disease 2019 (COVID-19) displayed a pattern of enforcing extreme social control at the expense of citizens' well-being, giving rise to a series of mass protests, to which the government responded with censorship and criminal prosecution.
- Harsh COVID-19 measures disrupted people's lives and prompted a series of large-scale protests, where some protesters called for democratic reforms. The government responded by arresting some of the protesters after the fact, particularly targeting those who were deemed to be influenced by "Western ideology" or feminism. Shortly after the protests, the government abruptly reversed the COVID-19 policy without proper transitional measures in place, resulting in many preventable deaths.

Ethnic Minority Rights

- During the Commission's 2023 reporting year, Chinese Communist Party and government officials championed the "integration" of ethnic minorities, continuing the implementation of policies contravening the rights of Uyghurs, Tibetans, Mongols, Hui, and other ethnic minorities to maintain their own languages and cultures. The October 2022 election of Pan Yue to the Party Central Committee, following his June 2022 appointment to the State Ethnic Affairs Commission, indicated that Chinese leader Xi Jinping's policies of assimilation and "ethnic fusion" would likely be maintained.
- In May 2023, Hui Muslims in Yunnan province protested over official plans to forcibly remove Islamic features from a 13th-century mosque, plans that reflected authorities' intentions to "sinicize" their community. Authorities cracked down on protesters, detaining dozens at the scene and subsequently urging others to surrender to authorities. Hui Muslims interviewed by international media expressed the belief that, following authorities' demolition of domes and minarets of the mosques where they worshipped, authorities would begin to impose tighter restrictions on Muslims' ability to practice their faith.
- In a case exemplifying the risks facing Mongols fleeing China to escape surveillance and persecution, on May 3, 2023, Chinese police officers detained 80-year-old Mongol historian and writer **Lhamjab Borjigin** in Mongolia and forcibly returned him to China.

STATUS OF WOMEN

- Authorities in the People's Republic of China (PRC) have increasingly treated women's public participation as politically sensitive. Cases of official retaliation or punishment against women who have gone public with criticism of the Chinese Communist Party and PRC government are well documented during Chinese leader Xi Jinping's first decade in power. This past year, public security officials reportedly focused on identifying "feminists" among those detained for participating in the November 2022 anti-COVID lockdown (White Paper) protests.
- In May 2023, a U.N. expert committee reviewed China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Submissions from independent nongovernmental organizations to the CEDAW Committee focused on authorities' widespread use of gender-based violence and harassment against women political and religious prisoners in China.
- The 20th National Congress of the Chinese Communist Party in October 2022 illustrated the underrepresentation of female Party members in the Party's seniormost ranks, reflecting male-dominated institutional barriers to political leadership in the PRC. No women were among the 24 individuals selected to join the 20th Party Central Committee Political Bureau or its 7-member Standing Committee, China's paramount policy and decisionmaking body led by Xi Jinping.
- China's "huge arsenal of laws designed to combat and punish domestic violence" is failing Chinese women, including those women who have turned to the courts for personal safety protection orders, according to a U.S.-based scholar. According to official data, judges throughout China granted 4,497 protection orders in 2022. In contrast, a domestic violence hotline app in China reportedly received 13,000 calls in August 2022 alone.
- International reports about gender-based violence in China this past year raised concerns about an official policy that coerces Uyghur women to marry Han men; the use of strip searches to humiliate women rights defenders in detention; and the use of online harassment and threats against women journalists of Chinese and Asian descent as a way to silence their reporting on China.

POPULATION CONTROL

- Authorities in the People's Republic of China (PRC) continue to treat population growth, childbearing, and women's fertility in China as subject to official control and policymaking. In response to demographic and economic pressure, PRC authorities ended the one-child policy in 2015, replacing it with the two-child policy in 2016 and the three-child policy in 2021. In July 2022, 17 Party and government entities jointly issued a set of "guiding opinions" that aim to incentivize marriage and childbirth by improving healthcare, education, employment conditions, insurance, and other benefits.

- Enforcement of birth limits in China has been characterized by the use of harshly coercive measures in violation of international human rights standards. This past year, U.N. experts raised concerns about reports of the use of coercive birth control measures against Uyghurs and other predominantly Muslim ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), including forced abortion and sterilization, and the placement of contraceptive devices, that reportedly resulted in "unusual and stark" population declines in the XUAR from 2017 through 2019.
- Among the supportive measures to boost the population suggested during the March 2023 meeting of the Chinese People's Political Consultative Conference was improving the rights of unmarried parents. Although several municipalities and at least one province reportedly allow unmarried women to register the birth of children, those children are not eligible for the household registration (*hukou*) permits that are crucial for access to public services. Moreover, an unmarried woman lost a lawsuit in July 2022 against a hospital in Beijing municipality which refused to allow her to undergo a procedure to freeze her eggs. An appeal hearing was held in May 2023, but the decision has not been announced.
- Many young people reportedly are reluctant to marry and have children due to the high cost of raising children, low incomes, and a weak social safety net. Public opinion reflected unease with the government's focus on population growth as a national responsibility for the rising generation of young adults.

Human Trafficking

- Multiple U.N. human rights bodies and experts expressed concern over the People's Republic of China's (PRC) government-sponsored forced labor in the Xinjiang Uyghur Autonomous Region (XUAR). U.N. bodies and experts expressed concern that such forced labor was systematic and policy-driven in nature and called on the PRC government to end forced labor programs in the XUAR.
- In December 2022, the U.S. Treasury Department "sanctioned two individuals, Li Zhenyu and Xinrong Zhuo, and the networks of entities they control, including Dalian Ocean Fishing Co., Ltd. and Pingtan Marine Enterprise, Ltd.," for their connection to serious human rights abuses.
- Political prisoners including **Lee Ming-cheh** and **Cheng Yuan** were forced to work while in detention. Both Lee and Cheng were convicted under broad and vaguely defined state security charges for their exercise of rights recognized under international law.
- Examples of cross-border trafficking during the Commission's 2023 reporting year included women and girls from Cambodia trafficked in China, Chinese nationals forced into international online scamming schemes in Cambodia, and Chinese nationals subjected to abusive practices in state-funded investment projects abroad.

• An international non-profit said that data involving human organs and tissues from the PRC would not be accepted for submission for its meetings or publications due to "the body of evidence that the [PRC] stands alone in continuing to systematically support the procurement of organs or tissue from executed prisoners."

WORKER RIGHTS

• The U.N. committee that reviewed China's compliance with the International Covenant on Economic, Social and Cultural Rights in February 2023 highlighted worker rights violations in China and called on the People's Republic of China (PRC) government to address unsafe working conditions; widespread discrimination against migrant workers; gender and ethnic discrimination; lack of protection for workers in the informal economy; and inadequate access to various employment-related benefits.
• Gender discrimination in the workplace in China was a focal issue this past year as PRC authorities aimed to strengthen the legal framework and guidelines on safeguarding women's rights in the workplace. Women are the primary victims of sexual harassment in the workplace in China, but access to legal relief is rare. In a case that epitomized China's emerging #MeToo movement, a former female intern at state media outlet China Central Television (CCTV) who brought a lawsuit against a male CCTV television host in 2018 for sexual harassment lost her final appeal in August 2022 based on what a court in Beijing municipality said was "not sufficient" evidence.
• China Labour Bulletin, a nongovernmental organization in Hong Kong, documented 830 strikes and other labor actions in 2022 on its Strike Map and 2,272 public requests on its Worker Assistance Helpline Map in 2022. More than 87 percent of these strikes and labor actions and nearly 90 percent of requests for assistance were related to wage arrears.
• Worker protests overlapped with frustration at the harsh and disproportionate measures imposed under China's zero-COVID policy and the economic impact of the pandemic after those measures were lifted. Protests in late October and November 2022 at Foxconn's factory campus in Zhengzhou municipality, Henan province—the largest assembly site of Apple iPhones in the world—demonstrated worker dissatisfaction with Foxconn's management of worker health and safety and deceptive recruitment promises.
• PRC authorities' suppression of worker representation and independent labor advocacy in China has left little space for workers to organize, express their grievances, or negotiate satisfactory remedies. In May 2023, a migrant workers' museum on the outskirts of Beijing municipality closed after 15 years due to its impending eviction.
• Changes to one of China's major health insurance programs led to street protests by thousands of retired workers in Guangzhou municipality, Guangdong province; Wuhan municipality, Hubei province; and Dalian municipality, Liaoning

province. Authorities in Wuhan detained **Zhang Hai** and **Tong Menglan** for expressing support for the protesters.

PUBLIC HEALTH

- The People's Republic of China (PRC) government and Chinese Communist Party's public health response to the spread of the Omicron variant of coronavirus disease 2019 (COVID-19) continued to reflect Chinese leader Xi Jinping's political priorities. The consequences were massive infection rates throughout China and the deaths of an estimated 1 million to 1.5 million people in December 2022 and January 2023 alone, following the abrupt discontinuation of the majority of the prevention and control measures associated with the zero-COVID policy on December 7, 2022. The Party's rigid adherence to the policy's implementation superseded putting in place a robust vaccination campaign, careful planning for the discontinuation of the policy itself, or coordination of the broader healthcare needs of the Chinese population.
- PRC authorities vastly underreported the number of deaths in China following the discontinuation of the zero-COVID policy. Moreover, in March 2023, the international scientific community also criticized the PRC government for not sharing data gleaned in January 2020 from the epicenter of the COVID-19 outbreak in Wuhan municipality, Hubei province.
- Numerous public protests against zero-COVID policy restrictions took place from October 2022 through January 2023. Observers pointed to anger and frustration with the PRC authorities' pandemic measures as catalyzing the participation of "a broad range of contentious constituencies" in these protests.
- Official media messaging about the impact of the pandemic in China swerved between claims of China's historic success in saving lives and disinformation that blamed "hostile powers" for developments that did not support uplifting propaganda. The Party also condemned "Western media" for undermining the official narrative of its "important contributions to the global fight against the pandemic . . .."
- The PRC Mental Health Law reached its tenth year of implementation in May 2023, but key provisions—including the prohibition on the abuse of forcible psychiatric commitment and supporting the use of the principle of voluntary hospitalization—have not yet been achieved. Authorities' use of forcible psychiatric commitment continued to be a tool of political repression.
- Individual and organized public health advocacy continues in China, but the personal and professional risks of organized public health advocacy that authorities deem politically sensitive or even threatening are evident in ongoing or new detentions this past year, including **Cheng Yuan,** co-founder of the advocacy organization Changsha Funeng; **He Fangmei** and **Li Xin,** advocates for the victims of defective vaccines; and **Ji Xiaolong,** who criticized senior officials in Shanghai municipality for the lengthy lockdown there in spring 2022.

THE ENVIRONMENT AND CLIMATE CHANGE

- While China's leaders pledged to prioritize efforts to protect the environment and to realize their carbon emissions targets, observers raised doubts about the People's Republic of China's (PRC) ability to achieve senior officials' climate goals. According to scholars, the PRC government views a leadership role in international environmental governance as one route to achieving global leadership. PRC officials have used their "ecological civilization" framework—under which they seek to "selectively . . . achieve [their] environmental goals"—to strengthen authoritarian governance.
- In 2022, the PRC government approved the highest number of new coal-powered energy plants in seven years, increasing the country's coal power capacity by more than 50 percent from the previous year. According to international observers, China's substantial increase in coal plant construction threatened global climate efforts. China's high levels of air pollutants contributed to negative health effects, including stillbirths and premature death.
- China remained the world's leading emitter of CO_2, with emissions rising four percent to reach a record high in the first quarter of 2023. China also remained the world's leading emitter of methane, which is 25 times more potent than carbon dioxide as a greenhouse gas. China has not signed the Global Methane Pledge to cut methane emissions 30 percent by 2030.
- China experienced many extreme weather events this past year, including a heatwave, drought, heavy rainfall and floods, and sandstorms, that experts linked to climate change.
- China's distant water fishing (DWF) fleet was reportedly involved in illegal, unreported, and unregulated fishing practices that threaten ocean ecosystems and wildlife populations, as well as economic livelihoods.
- Although PRC authorities continued to suppress civil society on a range of issues that authorities deem politically sensitive, environmental nongovernmental organizations have remained viable platforms for education and advocacy. Nevertheless, environmental advocacy in China has narrowed as organizations strategically focus their work within the bounds of government policy narratives or pursue collaboration with local governments.
- In January 2023, the Supreme People's Court issued ten guiding cases for environmental public interest litigation (PIL). The procuratorate has a key role in prosecuting environmental PIL cases, which requires navigating between local government resistance to environmental protection standards and holding agencies environmentally accountable. Scholars have observed that the procuratorate's "reliance on top-down political support may ultimately hinder [PIL's] expansion and stability."

BUSINESS AND HUMAN RIGHTS

- Chinese and international businesses are at risk of complicity in—and of profiting from—the Chinese Communist

Party and government's use of forced labor to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR). Reports of state-sponsored forced labor implicate supply chains of industries and products including automobile manufacturing, red dates, and cotton and the garment industry.

- Investigations found that Chinese fast fashion direct-to-consumer retailers Shein and Temu are linked to the XUAR and have exploited the US$800 de minimis threshold, which allows vendors to send shipments below that value without having to report basic data.
- A May 2023 report detailed how the U.S. Federal Government's employee retirement plan, the Thrift Savings Plan (TSP), included options to invest in Chinese companies that are on watchlists or are sanctioned by the U.S. Government for their ties to forced labor in the People's Republic of China (PRC) or surveillance efforts in the XUAR.
- Chinese and international companies were reported to be supporting the Chinese government's data collection, surveillance, and censorship. Some examples include:
  - China-based video surveillance manufacturer Uniview developed Uyghur recognition technology and co-authored ethnicity and skin color tracking policy standards;
  - Bresee, Uniview's sister company, provided artificial intelligence support relating to ethnicity tracking and facial recognition;
  - U.S.-sanctioned Dahua and Hikvision and New Jersey-based video surveillance manufacturer Infinova developed various "alarms" to help police identify and detect potential political protests;
  - Apple removed full AirDrop functionality in China by setting a 10-minute limit for the file-sharing feature;
  - Thermo Fisher Scientific sold DNA equipment to police in the Tibet Autonomous Region (TAR), where Human Rights Watch identified mass involuntary DNA collection programs; and
  - HSBC and PayPal HK targeted the League of Social Democrats, one of the last pro-democracy parties in Hong Kong, with forced closures of their accounts.
- Leading up to the PRC Counterespionage Law's July 1, 2023 effective date, the Commission observed reports of Chinese authorities targeting global firms including U.S.-headquartered corporation Mintz Group and U.S. consulting firm Bain & Company.
- Abusive practices toward workers were found in Chinese factories of third-party printing inkjet and toner cartridge manufacturers.

North Korean Refugees in China

- Heightened security along the China-North Korea border due to the coronavirus disease 2019 (COVID-19) pandemic and the Chinese government's pervasive surveillance technology, increased the risk of being caught by Chinese police and has

significantly reduced the defection rate of North Korean refugees. As a result of the closed border, many North Korean workers are stranded in China and are living in dire conditions without any income, leaving them vulnerable to human trafficking. With the easing of COVID-19 restrictions, defection attempts and detentions rose, as authorities have intensified their measures to capture and subsequently repatriate North Korean refugees.

- According to the U.N. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), as of June 30, 2023, an estimated 2,000 North Korean refugees were awaiting repatriation in China. Additionally, experts point out that the cost of defection, which involves paying intermediaries or "brokers" to arrange an escape, has greatly increased due to the risks associated with defecting from North Korea.
- Repatriated North Koreans remain vulnerable to torture, imprisonment, forced labor, and execution. According to the Citizens' Alliance for North Korean Human Rights (NKHR), a nongovernmental organization advocating for human rights in North Korea, Chinese companies and the DPRK government likely derive financial benefits from forcibly repatriating refugees to North Korea, where they are allegedly subjected to forced labor in detention facilities operated by the DPRK government. This forced labor reportedly involves the production of goods for Chinese businesses at considerably reduced costs.

TECHNOLOGY-ENHANCED AUTHORITARIANISM

- In contravention of its signed and ratified commitment to the International Convention to End All Forms of Racial Discrimination, the People's Republic of China (PRC) has continued to facilitate the development and use of domestic standards and surveillance technologies that employ racial profiling and thus encouraged discrimination on the basis of ethnicity.
- The Central Committee of the Chinese Communist Party and the State Council jointly released the "Plan for the Overall Layout of Building a Digital China," which prioritizes the digitalization of governance in China, interconnectedness and efficiency across China's digital infrastructure, and expansive control of data using next-generation technologies.
- International observers reported that PRC authorities have increased investments in next-generation data-intensive technologies, such as "smart city" projects and police geographic information systems designed to better surveil and control society.
- This past year, Party and government agencies released regulations concerning generative artificial intelligence (AI) to ensure that AI-generated content puts the PRC in a positive light, downplays criticism, and excludes content that authorities deem to be a threat to social stability.
- PRC authorities carried out digital surveillance and censorship to suppress the White Paper protests that took place throughout China in late November 2022 in opposition to

harsh zero-COVID measures. Leaked directives revealed Chinese authorities initiated the highest "emergency response" level to restrict protesters' access to virtual private networks (VPNs) and instructional materials for accessing foreign news and social media apps.
• During the reporting year, a report documented PRC authorities using advanced technology and ethnic minority online "influencers" to present a rosy picture of life in the Xinjiang Uyghur Autonomous Region in 1,741 videos spread out among 18 YouTube accounts with 2,000 to 205,000 followers, as part of a larger effort to deny the PRC's ongoing genocide in the region.
• Authorities implemented technological upgrades to the PRC's censorship mechanisms, together known as the Great Firewall, during the 20th National Congress of the Chinese Communist Party. Information emerged this past year about blogger **Ruan Xiaohuan,** an information security expert who provided online guidance to circumvent the Great Firewall, and who was sentenced to seven years' imprisonment for "inciting subversion of state power."

TIBET

• The Commission did not observe any interest from People's Republic of China (PRC) officials in resuming formal negotiations with the Dalai Lama's representatives, the last round of which, the ninth, was held in January 2010.
• The PRC continued to restrict, and seek to control, the religious practices of Tibetans, the majority of whom practice Tibetan Buddhism. Authorities in Tibetan areas issued prohibitions on forms of religious worship, particularly during important religious events or around the times of politically sensitive anniversaries, and restricted access to religious institutions and places of worship, including Tibetan Buddhist monasteries and temples. The PRC continued to assert control over the process of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama.
• The Commission did not observe reports of Tibetan self-immolations that occurred during the 2023 reporting year, the first year since 2021 in which no self-immolations were reported to have occurred. Chinese authorities reportedly continued to harass family members of Tibetans who had self-immolated in the past.
• International observers expressed concern over reports in recent years of PRC policies aimed at severely restricting the domains of usage of Tibetan and other local languages, including school closures, reduction in school instruction in languages other than Standard Mandarin, and a network of colonial boarding schools that house a majority of Tibetan school-age children.
• Reports published this year documented police-run programs in the Tibet Autonomous Region and Qinghai province in which officials have collected sensitive biometric information from millions of Tibetans and other local residents in recent

years. The DNA, blood sample, and iris scan collection programs reportedly are employed as forms of social control, surveillance, and repression of the residents of Tibet.
• In contravention of international human rights standards, officials punished residents of Tibetan areas for exercising protected rights, including the expression of religious belief, criticism of PRC policies, and sharing information online. Notable cases this past year included those of writer **Rongbo Gangkar,** a writer and translator detained since 2021 after he led a discussion at a meeting in which he advocated celebration of the Dalai Lama's birthday; **Thubsam,** accused of sending "information about Tibet" to individuals in Europe and India, and later sentenced to two years in prison for "leaking state secrets" and "separatism"; and **Jamyang,** also known as Zangkar Jamyang, a writer detained in June 2020 and held incommunicado until information emerged in March 2023 on his four-year sentence related to his advocacy for Tibetan language rights in schools.

XINJIANG

• Research published this past year indicated that Turkic and Muslim individuals formerly detained in mass internment camps continued to serve long prison terms. Official figures on prosecutions in the Xinjiang Uyghur Autonomous Region (XUAR) released in February 2022 and analyzed by Human Rights Watch showed that more than half a million people had been sentenced and imprisoned in the region since 2017, when authorities began carrying out the mass detention, in both prisons and mass internment camps, of Turkic Muslims.
• On August 31, 2022, minutes before the end of her tenure, then-U.N. High Commissioner for Human Rights Michelle Bachelet issued a long-awaited report on human rights in the XUAR, determining that Chinese authorities had committed a wide range of serious human rights violations as part of counterterrorism and counter-extremism strategies. In particular, the report found that the "arbitrary and discriminatory detention" of Uyghurs and other predominantly Muslim ethnic groups in the XUAR may constitute crimes against humanity.
• During this reporting year, authorities in the XUAR maintained a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals. Officials continued two distinct types of forced labor—one involving current and former mass internment camp detainees, and the other, referred to as "poverty alleviation through labor transfer" (*tuopin zhuanyi jiuye*), involving people who usually have not been detained, often referred to as "surplus labor."
• Zero-COVID measures and discriminatory policies toward Uyghurs reportedly caused or contributed to deaths and injuries during a fire that took place on November 24, 2022, at a high-rise apartment building in Urumqi municipality, XUAR. Immediately following the incident, authorities suppressed information about the fire, which they viewed as a national secu-

rity issue, including by holding Uyghur survivors for questioning at a local hotel and confiscating their phones, and by detaining neighbors and acquaintances of victims who posted about the fire on social media.
• A report published in November 2022 by the Uyghur Human Rights Project provided evidence showing that Chinese Communist Party and government authorities had incentivized and likely forced marriages between Han Chinese and Uyghur and other Turkic individuals in the XUAR since at least 2014. The report outlined how authorities promoted the assimilation of Uyghurs and other ethnic minorities through interethnic marriages against a backdrop of government and Party birth restriction policies and policies to encourage Han Chinese inmigration and the movement of ethnic minority laborers out of the XUAR.
• Reports published this past year indicated that XUAR officials continued to arbitrarily detain and hold in detention ethnic Kazakhs, members of an ethnic group numbering around 1.5 million in the region. Kazakhstan-based relatives of many ethnic Kazakhs who have been detained in the XUAR since 2017 have campaigned publicly for their release.

HONG KONG AND MACAU

• Two United Nations committees reviewed Hong Kong's compliance with its human rights obligations, finding that the Hong Kong government had "de facto abolished the independence of the judiciary" through the National Security Law (NSL), and calling for the repeal of the NSL and sedition provisions under the Crimes Ordinance. In particular, the Human Rights Committee noted several areas of concern, including—the potential for the transfer of defendants to mainland China; the excessive and unchecked power of the chief executive and the police regarding enforcement measures; and the lack of legal certainty concerning the definition of "national security" and grounds for extraterritorial application.
• In May 2023, Chief Executive John Lee proposed a bill that would change the composition of District Councils, which are community-level bodies that advise the government on matters affecting residents in each district. Although District Councils have limited influence in policymaking, they serve as the last institution through which residents can directly choose their representatives. Under the reform plan, the number of directly elected seats would be significantly reduced, and all candidates would be subject to a vetting process designed to exclude candidates considered to be disloyal to the government.
• Hong Kong authorities continued to prosecute individuals for violating the National Security Law, under which basic procedural rights, such as trial by jury and presumption of innocence, are disregarded. Hong Kong extended the restrictions on procedural rights to crimes that the government deems to involve national security, augmenting authorities' ability to punish people for peacefully exercising their universally recognized rights. Hong Kong authorities also applied the law

extraterritorially, charging people with criminal offenses for actions committed outside of Hong Kong, creating a chilling effect that had a global reach.
• The prison system augmented the enforcement of the "deradicalization program" that is designed to treat political prisoners as extremists and to instill in them a sense of hopelessness and fear, deterring them from future political activism. The program uses tactics including mandatory propaganda movie-watching, confession sessions, and corporal punishment, all of which escalated drastically this past year, according to one former detainee.
• After the prosecution unsuccessfully tried to prevent a foreign lawyer from representing pro-democracy entrepreneur **Jimmy Lai** in a criminal case, John Lee sought an intervention from the National People's Congress Standing Committee, which issued an interpretation affirming the chief executive's power to certify whether a foreign lawyer should be admitted in a particular case. While the interpretation did not create a blanket ban on foreign lawyers, some analysts were concerned that the interpretation had the broader effect of allowing the chief executive to "bypass unwelcome court decisions" and giving them unchecked power "to rule by decree" over a broad range of issues.

Human Rights Violations in the U.S. and Globally

• The People's Republic of China (PRC) continued a multifaceted campaign of transnational repression against critics, Uyghurs, Hong Kongers, and others to stifle criticism and enhance control over emigrant and diaspora communities. After engaging in China-related protests abroad, some individuals experienced reprisal from Chinese authorities, intimidation or harassment from unidentified individuals, or self-censorship due to fear of reprisal. Authorities in the United States reported criminal charges against or arrested several groups and individuals involved in such PRC-led transnational repression plots.
• Prompted by reporting from the international nongovernmental organization (NGO) Safeguard Defenders this past year, governments, international media, and NGOs investigated extraterritorial Chinese police stations, also known as "service stations," around the globe with reported connections to Chinese law enforcement authorities. Reporting also detailed some of the "service stations'" activities, including persuading alleged criminal suspects to return to China.
• The Commission observed reports that the PRC is targeting foreign politicians to influence them to support the Chinese Communist Party. This past year, former Solomon Islands Premier Daniel Suidani claimed he was ousted from his post due to PRC political influence operations, while Canadian intelligence officials announced they had evidence of PRC influence operations targeting Canadian policymakers Michael Chong, Jenny Kwan, and Erin O'Toole.

• Chinese-owned companies and banks responsible for foreign development projects continued allowing abusive conditions for workers abroad. This past year, multiple reports detailed forced labor conditions for workers in Belt and Road Initiative (BRI) and non-BRI Chinese projects abroad, including physical and sexual violence, withholding of wages, and debt bondage.
• Chinese authorities continued to attempt to influence U.N. processes, including efforts to prevent the publication of the Office of the U.N. High Commissioner for Human Rights' report on human rights violations in the Xinjiang Uyghur Autonomous Region (XUAR) and Chinese Communist Party- and government-affiliated NGOs monopolizing time dedicated to civil society organizations during the review of the Convention on the Elimination of All Forms of Discrimination against Women in May 2023.

POLITICAL PRISONER DATABASE

Recommendations

When composing correspondence advocating on behalf of a political or religious prisoner, or preparing for official travel to China, Members of Congress and Administration officials are encouraged to take the following actions:

- Check the Political Prisoner Database (PPD) (*https://www.ppdcecc.gov*) for reliable, up-to-date information on a prisoner or groups of prisoners. Consult a prisoner's database record for more detailed information about the prisoner's case, including their alleged crime, specific human rights that officials have violated, stage in the detention process, and location of detention or imprisonment, if known.
- Advise official and private delegations traveling to China to present Chinese officials with lists of political and religious prisoners compiled from database records.
- Urge U.S. state and local officials and private citizens involved in business, economic, academic, or other exchanges with China to explore the database, and to advocate for the release of political and religious prisoners in China.

A Powerful Resource for Advocacy

The Commission's 2023 Annual Report provides information about Chinese political and religious prisoners [1] in the context of specific human rights and rule-of-law abuses. Many of the abuses result from the Chinese Communist Party and PRC government's application of policies and laws. The Commission relies on the Political Prisoner Database (PPD), a publicly available online database maintained by the Commission, for its research, including the preparation of the Annual Report, and routinely uses the database as a resource to prepare summaries of information about, and support advocacy for, political and religious prisoners for Members of Congress and Administration officials. The Commission invites the public to read about issue-specific Chinese political imprisonment in sections of this Annual Report, and to access and make use of the PPD at *https://www.ppdcecc.gov*.

The PPD seeks to provide users with prisoner information that is reliable and up to date. Commission staff members work to maintain political prisoner records based on the staff members' areas of expertise. Commission staff aim to provide objective analysis of information about individual prisoners, and about events and trends that drive political and religious imprisonment in China, and work on an ongoing basis to add and update records of political and religious imprisonment to the PPD.

When the PPD was first launched, the Dui Hua Foundation, based in San Francisco, and the former Tibet Information Network, based in London, shared their extensive experience and data on political and religious prisoners in China with the Commission to help establish the database. The Commission relies on its own staff research for prisoner information, as well as on information provided by nongovernmental organizations (NGOs); groups that spe-

cialize in promoting human rights and opposing political and religious imprisonment; and other public sources of information.

POLITICAL PRISONERS

Overview. As of June 30, 2023, the PPD contained 10,889 records of political or religious imprisonment in China. Of those, 2,615 are cases of "active detentions," referring to records of political and religious prisoners currently known or believed to be detained or imprisoned, or under coercive controls. There are 8,274 records of prisoners who are known or believed to have been released, who were executed, who died while imprisoned or soon after release, or who escaped. The Commission notes that there are considerably more cases of current political and religious detention in China than are contained in the PPD.

Ethnic Group. Of the records of active detentions, 1,629 contained information on the prisoners' reported or presumed ethnicity. Of those, 750 were Tibetan, 496 were Uyghur, 292 were Han, 34 were Kazakh, 28 were Mongol, and 9 were Hui. Of the 986 prisoners without recorded ethnicities, many were likely Han.

Religion. Of the records of active detentions, 1,587 contained information on the prisoner's religious affiliation. 649 were Tibetan Buddhists, 460 were Falun Gong practitioners, 243 were Muslim, 82 were Protestants, 22 were adherents of Mentu Hui (also known as the Association of Disciples), 18 were Jehovah's Witnesses, 17 were Yi Guan Dao members, 13 were members of the Church of Almighty God (also known as Eastern Lightning), and 14 were Catholic.

Sex. Of the records of active detentions, 1,633 were of male prisoners, 693 were of female prisoners, and 289 records did not contain information on the prisoner's sex.

Sentencing. Of the records of active detentions, 1,339 pertain to individuals serving prison sentences. Of those 1,339 prisoners, 1,246 were serving fixed-term sentences, 63 were serving life sentences, 23 were sentenced to death with a two-year reprieve, and 7 were sentenced to death.

Place of Detention. The table below shows the number of active detentions in each province-level administrative division:

Xinjiang Uyghur Autonomous Region	604	Hubei province	41
Sichuan province	380	Jiangxi province	38
Tibet Autonomous Region	235	Shanxi province	34
Guangdong province	174	Shaanxi province	31
Qinghai province	136	Fujian province	31
Gansu province	86	Jilin province	28
Beijing municipality	82	Shanghai municipality	23
Liaoning province	81	Yunnan province	21
Heilongjiang province	76	Chongqing municipality	17
Hong Kong SAR	71	Zhejiang province	16
Shandong province	67	Ningxia Hui Autonomous Region	15
Henan province	64	Tianjin municipality	13
Hebei province	62	Guangxi Zhuang Autonomous Region	9
Inner Mongolia Autonomous Region	47	Guizhou province	7
Anhui province	45	Macau SAR	0
Hunan province	43	Hainan province	0
Jiangsu province	43		

Powerful Database Technology

Since its launch in November 2004, the PPD has served as a unique and powerful resource for the U.S. Congress and Administration, other governments, NGOs, educational institutions, and individuals who research political and religious imprisonment in China, or who advocate on behalf of such prisoners. The Commission has previously undertaken work to upgrade or enhance the PPD, including two major projects in 2010 and 2015.

In 2020 and 2021, the Commission carried out the most significant upgrade to the PPD to date, modernizing the PPD and housing it on a current software platform to keep the system secure and sustainable. This upgrade streamlined certain elements of the PPD's data fields and public interface while maintaining the PPD's capacity to record and display a wide variety of data types. The enhancements to the PPD include a more intuitive public search function, the publication of prisoners' prior detention records, a deten-

tion timeline to display expanded details of prisoners' detentions, and permanently archived source links to fight censorship and link rot.

The PPD aims to provide a technology with sufficient power to handle the scope and complexity of political imprisonment in China. The most important feature of the PPD is that it is structured as a genuine database and uses a powerful search engine. Each prisoner's record describes the type of human rights violation by Chinese authorities associated with their detention. These include violations of the right to peaceful assembly, freedom of religion, freedom of association, and freedom of expression, including the freedom to advocate peaceful social or political change and to criticize government policy or government officials.

The upgraded design of the PPD still allows anyone with access to the internet to search the database and download prisoner data without providing personal information to the Commission, and without the PPD downloading any software to the user's computer.

Notes to Section II—Political Prisoner Database

[1] The Commission treats as a political prisoner an individual detained or imprisoned for exercising their human rights under international law, such as peaceful assembly, freedom of religion, freedom of association, and freedom of expression, including the freedom to advocate peaceful social or political change, and to criticize government policy or government officials. (This list is illustrative, not exhaustive.) In most cases, prisoners documented in the PPD were detained or imprisoned for attempting to exercise rights guaranteed to them by China's Constitution and law, or by international human rights standards, or both. Chinese security, prosecutorial, and judicial officials sometimes seek to distract attention from the political or religious nature of imprisonment by convicting a de facto political or religious prisoner under the pretext of having committed a generic crime. In such cases, defendants typically deny guilt, but officials may attempt to coerce confessions using torture and other forms of abuse, and standards of evidence are poor. A defendant may authorize someone to provide their legal counsel and defense, as the PRC Criminal Procedure Law guarantees in Article 33, yet officials may deny the counsel adequate access to the defendant, restrict or deny the counsel's access to evidence, and not provide the counsel adequate time to prepare a defense.

Political Prisoner Cases of Concern

Members of Congress and the Administration are encouraged to consult the Commission's Political Prisoner Database (PPD) for credible and up-to-date information on individual prisoners or groups of prisoners. The Cases of Concern in the Commission's 2023 Annual Report highlight a small number of individuals whom Chinese authorities have detained or sentenced for peacefully exercising their internationally recognized human rights. Members of Congress and the Administration are encouraged to advocate for these individuals in meetings with Chinese Communist Party and government officials. For more information on these cases and other cases raised in the Annual Report, see the Commission's Political Prisoner Database.

Name PPD Record No.	Case Summary (as of June 30, 2023)
Ruan Xiaohuan 2023-00101	**Date of Detention:** May 10, 2021 **Place of Detention:** Yangpu District Public Security Bureau (PSB) Detention Center, Shanghai municipality **Charge(s):** Inciting subversion of state power **Status:** Sentenced to seven years **Context:** Ruan was detained in connection with writings posted to his blog and on his Twitter account, under the handle "Program-think." For over 10 years, Ruan anonymously provided guidance on his blog for circumventing government internet censorship, and wrote political analysis critical of Chinese authorities, including coverage of the 1989 Tiananmen protests. On a separate website, he also documented high-ranking officials' hidden wealth. **Additional Information:** Ruan was reportedly the chief information security engineer for the 2008 Beijing Summer Olympics.
Peng Lifa **(Peng Zaizhou)** 2022-00176	**Date of Detention:** October 13, 2022 **Place of Detention:** Unknown location believed to be in Beijing municipality **Charge(s):** Unknown **Status:** Detained **Context:** On October 13, 2022, days before the beginning of the 20th National Congress of the Chinese Communist Party, Peng, also known online as Peng Zaizhou, hung banners from Beijing's Sitong Bridge calling for PRC leader Xi Jinping to step down, criticizing the official response to COVID-19, and calling for elections. Following Peng's detention, information on his case was unclear, including his whereabouts, his condition and treatment in custody, and what charges, if any, he was facing.

Name PPD Record No.	Case Summary (as of June 30, 2023)
Tonyee Chow Hang-tung 2021-00514	**Date of Detention:** June 4, 2021 **Place of Detention:** Tai Lam Centre for Women, Hong Kong Special Administrative Region (SAR) **Charge(s):** Inciting others to join an unauthorized assembly; inciting subversion of state power; failure to comply with notice to provide information **Status:** Detained **Context:** On June 4, 2021, Hong Kong police arrested Tonyee Chow Hang-tung, alleging that she had incited others to join a candlelight vigil commemorating the 1989 Tiananmen protests, which police had declined to authorize on public health grounds. Police released her on bail but arrested her again on June 30, accusing her of inciting others to join an unauthorized assembly on July 1, the anniversary of Hong Kong's handover. Chow was a rights lawyer and vice chair of the nongovernmental organization (NGO) Hong Kong Alliance that organized June 4th vigils annually. In September, police arrested Chow and several other Hong Kong Alliance members for failing to surrender documents relating to the organization's operations, additionally charging her with "inciting subversion of state power" under the National Security Law (NSL). Chow has been sentenced to a total of 22 months in prison for two charges relating to unauthorized assembly. In December 2022, the Hong Kong High Court overturned a 15-month sentence related to the unauthorized assembly. The charges brought under the NSL remained pending as of June 2023. **Additional Information:** In May 2023, the U.N. Working Group on Arbitrary Detention held that Chow's detention was arbitrary, and called on Hong Kong authorities to release her.

Executive Summary

Name PPD Record No.	Case Summary (as of June 30, 2023)
Jimmy Lai Chee-ying 2020-00323	**Date of Detention:** August 10, 2020 **Place of Detention:** Stanley Prison, Hong Kong SAR **Charge(s):** Collusion with a foreign country or with external elements to endanger national security; conspiracy to defraud **Status:** Detained **Context:** On August 10, 2020, Hong Kong police took Jimmy Lai Chee-ying into custody on suspicion of "collusion with a foreign country or with external elements to endanger national security" under the National Security Law (NSL) and "conspiracy to defraud." Lai is the founder of the now-defunct Apple Daily, which media sources have described as a pro-democracy publication. On the same day he was taken into custody, police also detained nine other individuals, including Lai's two sons and other democracy advocates and newspaper executives. Police did not disclose the specific facts underlying the NSL charge, and did not explain why the fraud charge, which was based on an alleged breach of a commercial lease, rose to the level of a criminal offense. Observers have said the arrests were authorities' efforts to suppress the free press and to intimidate pro-democracy advocates. Lai was formally charged under the NSL on December 11. He was briefly released on bail but has remained in detention since December 2020.
Lhamjab Borjigin 2019-00105	**Date of Detention:** May 3, 2023 **Place of Detention:** Xilingol (Xilinguole) League, Inner Mongolia Autonomous Region (IMAR) **Charge(s):** Unknown **Status:** Detained **Context:** PRC authorities reportedly seized Lhamjab Borjigin, an 80-year-old ethnic Mongol historian and writer, in Mongolia, where he had fled to in March 2023. He was forcibly returned to his home in the IMAR, but detailed information on his detention, including if authorities criminally detained or subjected him to other coercive measures, was unavailable. **Additional Information:** Authorities previously detained Lhamjab Borjigin in 2018, reportedly because of his self-published Mongolian-language history of the Cultural Revolution. In August 2019, a Xilingol court sentenced him to one year in prison, suspended for two years, on charges related to "separatism."

Name PPD Record No.	Case Summary (as of June 30, 2023)
Li Yuhan 2017-00361	**Date of Detention:** October 9, 2017 **Place of Detention:** Shenyang Municipal No. 1 PSB Detention Center, Liaoning province **Charge(s):** Picking quarrels and provoking trouble; fraud **Status:** Tried, awaiting sentencing **Context:** A lawyer, Li previously represented rights lawyer **Wang Yu,** whom authorities detained in a crackdown on human rights legal professionals that began in mid-2015. Authorities held Li in extended pre-trial detention from 2017 until her trial before the Heping District People's Court in Shenyang on October 20, 2021. **Additional Information:** Li suffers from various health conditions including heart disease, hypertension, and hyperthyroidism. Staff at the detention center reportedly urinated on her food, denied her hot water for showering, denied her medical treatment, and threatened that they would beat her to death. In March 2018, Li went on a hunger strike to protest mistreatment, which prompted detention center officials to force-feed her. Detention center officials blocked her lawyer from meeting her, citing the COVID-19 pandemic.
He Fangmei 2019-00185	**Date of Detention:** October 9, 2020 **Place of Detention:** Xinxiang Municipal PSB Detention Center, Henan province **Charge(s):** Bigamy; picking quarrels and provoking trouble **Status:** Tried, awaiting sentencing **Context:** He Fangmei, also known by her online handle "Sister Thirteen," began her public health advocacy after her daughter became disabled due to a defective vaccine. She was detained by officials in Huixian county, Xinxiang, who allegedly prevented her from taking her daughter to receive medical care. She and her husband **Li Xin** were accused of "bigamy" and "picking quarrels and provoking trouble"; Li was sentenced to 5 years in prison. He, who was seven months pregnant when detained, gave birth to a third child in custody. The couple's disabled daughter is unable to obtain adequate medical care or to attend school, while their son was reportedly placed with a local resident who previously surveilled He. **Additional Information:** Authorities previously detained He in 2019 for "picking quarrels and provoking trouble" after she was petitioning in Beijing. A Henan province court tried her, but in January 2020 authorities withdrew the charge for lack of sufficient evidence.

Executive Summary

Name PPD Record No.	Case Summary (as of June 30, 2023)
Rahile Dawut 2018-00552	**Date of Detention:** December 2017 **Place of Detention:** Unknown location in the Xinjiang Uyghur Autonomous Region (XUAR) **Charge(s):** Unknown **Status:** Sentenced to prison term of unknown length **Context:** Uyghur ethnographer Rahile Dawut disappeared in December 2017 and was believed to have been held in a mass internment camp. In July 2021, sources confirmed that she had been sentenced to prison, possibly in December 2020, on unknown charges. Friends and other observers suggested authorities may have detained her due to her efforts to preserve Uyghur culture and heritage, or her foreign connections. She formerly taught at Xinjiang University and is well regarded for her scholarly research on traditional Uyghur culture. **Additional Information:** At least one of Dawut's graduate students also reportedly disappeared.
Niu Xiaona 2023-00113	**Date of Detention:** April 19, 2021 **Place of Detention:** Ha'erbin municipality, Heilongjiang province **Charge(s):** Organizing and using a cult to undermine implementation of the law **Status:** Sentenced to 15 years **Context:** Authorities in Ha'erbin detained Niu and her elderly mother **Tuo Wenxia** in connection with their practice of Falun Gong. Police separately released Tuo and Niu on bail, but in March 2022 took Niu back into custody. Niu is disabled due to rheumatoid arthritis, which causes her chronic pain and severe mobility problems. In September 2022, a railway court in Ha'erbin sentenced her to 15 years in prison, citing a 14-year sentence handed down to Niu in 2004, which she served outside prison due to her disability; the court wrote that Niu had not provided official records of her having served the sentence. **Additional Information:** The Dui Hua Foundation described Niu's 15-year sentence as "one of the longest prison sentences known to have been given to Falun Gong practitioners convicted of the sole offense of Article 300 [of the PRC Criminal Law]."

Name PPD Record No.	Case Summary (as of June 30, 2023)
Ding Jiaxi 2013-00307	**Date of Detention:** December 26, 2019 **Place of Detention:** Linshu County PSB Detention Center, Linyi municipality, Shandong province **Charge(s):** Subversion of state power **Status:** Sentenced to 12 years **Context:** Ding Jiaxi is a disbarred lawyer and rights advocate involved in the China Citizens Movement (formerly known as the New Citizens' Movement). His December 2019 detention is linked to other rights advocates detained the same month following a gathering at which participants discussed Chinese politics and civil society. Police from Yantai municipality, Shandong, placed Ding under "residential surveillance at a designated location" (RSDL) before Linyi police arrested him in June 2020 for "inciting subversion of state power," a charge later changed to the more serious "subversion of state power." Ding and **Xu Zhiyong** have alleged that officials tortured them in custody, including by restraining them in "tiger chairs" during prolonged interrogations. In June 2022, the Linshu County People's Court held closed trials for Xu and Ding; in April 2023, the court sentenced Xu to 14 years in prison and Ding to 12 years. Both appealed their sentences. **Additional Information:** Ding served a prison sentence from 2013 to 2016 due to his anti-corruption and government transparency advocacy. Authorities sentenced him to three years and six months in prison for "gathering a crowd to disrupt public order" in connection with planned demonstrations calling on officials to disclose their wealth.

Executive Summary

Name PPD Record No.	Case Summary (as of June 30, 2023)
Xu Zhiyong 2005-00199	**Date of Detention:** February 15, 2020 **Place of Detention:** Linshu County PSB Detention Center, Linyi municipality, Shandong province **Charge(s):** Subversion of state power **Status:** Sentenced to 14 years in prison **Context:** Xu Zhiyong is a prominent legal advocate and one of the initiators of the China Citizens Movement (previously known as the New Citizens' Movement). His detention is connected to the December 2019 gathering that also led to **Ding Jiaxi**'s detention. Xu evaded a police search for 50 days prior to his detention, during which time he publicly urged Xi Jinping to leave office over the government's handling of the COVID-19 outbreak. Prior to Xu's arrest in June 2020, authorities held him under RSDL in Beijing municipality. Xu and Ding Jiaxi have alleged that officials tortured them in custody, including by restraining them in "tiger chairs" during prolonged interrogations. In June 2022, the Linshu County People's Court held closed trials for Xu and Ding; in April 2023, the court sentenced Xu to 14 years in prison and Ding to 12 years. Both appealed their sentences. **Additional Information:** On February 16, 2020, Beijing police detained **Li Qiaochu,** a women's and labor rights advocate and Xu's partner; on June 18, authorities released her on bail and subsequently arrested her in March 2021. Xu served four years in prison from 2013 to 2017 for his rights advocacy work. In November 2020, the U.N. Working Group on Arbitrary Detention found Xu's detention to be arbitrary and in violation of the Universal Declaration of Human Rights.
Qurban Mamut 2019-00191	**Date of Detention:** Unknown date in late 2017 **Place of Detention:** Unknown location in the XUAR **Charge(s):** Unknown **Status:** Sentenced to 15 years **Context:** XUAR authorities detained Qurban Mamut, the retired editor-in-chief of the Xinjiang Cultural Journal, in or around late 2017, possibly in connection with his work as editor. He was initially held in a mass internment camp, but further information on his detention was unavailable. In April 2022, authorities confirmed that he was serving a 15-year prison sentence "for political crimes," but did not say which court sentenced him, when, or on what specific charges. His whereabouts are unknown.

Name PPD Record No.	Case Summary (as of June 30, 2023)
Yang Rongli 2009-00428	**Date of Detention:** August 7, 2021 **Place of Detention:** Yaodu District PSB Detention Center, Linfen municipality, Shanxi province **Charge(s):** Fraud **Status:** Formally arrested and indicted, awaiting trial **Context:** Yang and her husband **Wang Xiaoguang,** both pastors at Linfen's unregistered Golden Lampstand Church, were among approximately a dozen church leaders and members detained in a lengthy campaign targeting the church and its members over their refusal to join the official Three-Self Patriotic Movement. **Additional Information:** Yang was previously sentenced to seven years in prison, served from 2009 to 2016, after she and other Shanxi church leaders went to Beijing municipality to petition about an attack against a house church. In 2018, local authorities forcibly demolished Golden Lampstand Church's building.
Zhou Deyong 2021-00516	**Date of Detention:** April 23, 2021 **Place of Detention:** Binhai District PSB Detention Center, Dongying municipality, Shandong province **Charge(s):** Organizing and using a cult to undermine implementation of the law **Status:** Sentenced to eight years **Context:** Dongying police detained Zhou Deyong, an oilfield engineer, at his home and seized Falun Gong materials reportedly belonging to his wife, a Falun Gong practitioner who lives in the United States. A Dongying court sentenced him in April 2023 to eight years in prison. His detention may be connected with a crackdown on Falun Gong in Dongying begun in November 2020. **Additional Information:** U.S. officials, including Florida Rep. Gus Bilirakis and Sen. Marco Rubio, have advocated on his behalf and called for his release.
(Gangkye) Drubpa Kyab 2012-00092	**Date of Detention:** March 23, 2021 **Place of Detention:** Unknown location in Sichuan province **Charge(s):** Unknown; possibly inciting separatism **Status:** Sentenced to 14 years **Context:** Drubpa Kyab, or Gangkye Drubpa Kyab, was one of six Tibetan intellectuals detained in Kardze (Ganzi) Tibetan Autonomous Prefecture, Sichuan, between late 2020 and early 2021. They were sentenced on March 23, 2021, to prison terms ranging from 4 years to 14 years, but other details on their cases were largely unavailable. The exact charges against Gangkye Drubpa Kyab and his whereabouts in custody were unknown. **Additional Information:** Gangkye Drubpa Kyab was previously sentenced to five years and six months in prison for alleged membership in an anti-Communist organization. Following his 2016 early release, authorities detained and tortured him after he publicly displayed an image of the Dalai Lama.

Executive Summary

Name PPD Record No.	Case Summary (as of June 30, 2023)
Rongbo Gangkar 2023-00002	**Date of Detention:** Unknown date in early 2021 **Place of Detention:** Unknown location believed to be in Rebgong (Tongren) county, Malho (Huangnan) Tibetan Autonomous Prefecture, Qinghai province **Charge(s):** Unknown **Status:** Detained **Context:** A Tibetan writer and translator, Rongbo Gangkar was detained in early 2021 near Rebgong's Rongbo Gonchen Monastery. Information on his case was limited until 2022, when reports emerged that his detention was connected with a public meeting, possibly in Rebgong, at which he advocated celebration of the Dalai Lama's birthday. Further details on his detention, including his precise whereabouts, the charges against him, if any, and his condition in custody, were unavailable.

General Recommendations to Congress and the Administration

The Commission makes the following recommendations for Administration and congressional action.

- **Robust Enforcement of Forced Labor Restrictions.** The Administration should fully implement the Uyghur Forced Labor Prevention Act (Public Law No. 117-78, UFLPA), including by regularly expanding the "Entity List" of companies found to be complicit in forced labor and greater integration of innovative technologies to assist enforcement of the UFLPA. Congress should provide robust appropriations in support of enforcement, consider legislation to reduce the de minimis level for duty-free shipment so that PRC-based companies cannot circumvent the import restrictions required by the law, and explore whether existing customs transparency laws provide sufficient transparency for air, land, and rail cargo. In addition, the Administration should:
  - Employ existing funds for new technologies to assist in UFLPA enforcement, particularly "pilot projects" such as geospatial search and rescue; unmanned maritime vessels; remote sensing; mesh networking; satellite communications; and DNA traceability tools to assist in UFLPA enforcement;
  - Focus UFLPA enforcement on fast fashion and online retail companies such as Temu and SHEIN and others using the existing $800 duty-free threshold to import goods made with forced labor including by considering placing a "Withhold Release Order" on Temu and SHEIN, blocking all imports until they can demonstrate the ability to ensure clean supply chains for the goods they sell online;
  - Expand the list of priority enforcement sectors regularly—to auto parts, aluminum, rayon, electronic goods, and fishing industry, for example—to ensure that no company profits from atrocities; and
  - Encourage foreign governments and legislatures to adopt their own national legislation or regulations modeled on the UFLPA and create opportunities for Members of Congress to engage with parliamentary counterparts globally on forced labor, sanctions, and atrocity accountability.
- **Prioritize Atrocity Crime Accountability.** Congress should pass the bipartisan Uyghur Genocide Accountability and Sanctions Act (S. 1770) and the Uyghur Policy Act (H.R. 2766) to target both government officials and companies assisting with policies of forced sterilization and mass surveillance in the Xinjiang Uyghur Autonomous Region (XUAR), and appropriate sufficient funds to keep expanding the broadcasts and programming of the Uyghur Service of Radio Free Asia. The Administration should fund programs to document and preserve evidence of genocide and crimes against humanity committed in the XUAR and more robustly use existing sanctions authorities found in the Uyghur Human Rights Policy Act (Public Law No. 116-145) to hold PRC officials accountable for atrocity crimes, particularly those identified by the "Xinjiang Police Files." In addition, the Administration should:

- More aggressively employ available sanctions to target PRC officials and entities responsible for policies of forced sterilization and forced abortions of Uyghur women and forced separation of children from their families;
- Coordinate with allies and partners to press for the formation of a U.N. Commission of Inquiry for the XUAR or the appointment of a U.N. special rapporteur to address the PRC's atrocities;
- Request an open debate or an Arria-formula briefing at the U.N. Security Council on the situation in the XUAR;
- Ensure that export controls are up to date and prohibit U.S. companies from assisting Chinese companies engaged in digital or biometric surveillance that aids in the commission of atrocity crimes in the XUAR; and
- Seek additional funding for personnel for the various sanctions offices at the Department of the Treasury and Department of State, to more efficiently gather information and vet suspected perpetrators' eligibility for sanctions.

• **Support the People of Hong Kong.** The Administration should employ more robustly the sanctions authorities found in the Hong Kong Human Rights and Democracy Act (Public Law No. 116-76) and the Hong Kong Autonomy Act (Public Law No. 116-149) including those for financial institutions and target specifically prosecutors, judges, and other individuals complicit in the dismantling of Hong Kong's autonomy and rights protections. Congress should pass the Hong Kong Judicial Sanctions Act (S. 3177 / H.R. 6153), which requires a review of all sanctions with possible application in those areas. In addition:

- The Administration should coordinate sanctions and messaging about political prisoners in Hong Kong with the United Kingdom and other like-minded nations to amplify the impact of diplomatic efforts;
- The Administration should expand media accelerator and investigative journalism projects to preserve the flow of independent news and information from Hong Kong and create academic residency programs for Hong Kong journalists and executives whose news and media outlets were shuttered due to abuse or threats under the National Security Law;
- The Administration should remove barriers for Hong Kong residents to receive U.S. visas, including by extending Priority 2 refugee status to those attempting to exit Hong Kong for fear of political persecution, and publish a plan to address the long-term status and treatment of Hong Kong citizens in the United States;
- Congress should permanently extend the prohibition on sales of police equipment and crowd control technology to the Hong Kong police; and
- Congress should pass the Hong Kong Economic and Trade Office Certification Act (S. 490 / H.R. 1103) to consider removal of the diplomatic privileges given to Hong Kong's three offices in the United States.

- **Assist Victims of Persecution.** Congress and the Administration should work to accelerate processing times for current refugee and asylum cases and ensure that the expansion of the annual cap on refugees admitted to the United States is used to increase protection and resettlement of those fleeing PRC persecution, prioritizing steps to:
  - Ensure that sufficient funding and authorities are available for psychological and medical support for victims of genocide and crimes against humanity, particularly in countries of first asylum, through programs authorized by the Torture Victims Protection Act (Public Law No. 102-256);
  - Engage with countries with significant populations of Uyghurs and other ethnic minorities fleeing persecution in China and with the United Nations High Commissioner for Refugees (UNHCR) to stop forced deportations to the People's Republic of China;
  - Recognize as persons of special humanitarian concern those Uyghurs and other predominantly Muslim ethnic minorities living outside the United States and who experienced egregious human rights abuses in the XUAR, so they are eligible for Priority 2 processing for refugee resettlement by the United States; and
  - Prohibit the use of INTERPOL notices on their own to deny immigration or asylum benefits, particularly when the notice comes from a country with whom the United States does not have an extradition agreement.
- **End Transnational Repression.** Congress should pass the Transnational Repression Policy Act (S. 831 / H.R. 3654) to provide resources and additional authorities to U.S. law enforcement agencies to constrain the PRC's ability to commit acts of transnational repression, increase accountability for perpetrators of such acts, and to better protect those at risk of intimidation and harassment, including by:
  - Imposing targeted sanctions on perpetrators and enablers of acts of transnational repression;
  - Making additional U.S. law enforcement resources and information readily available to U.S. residents experiencing intimidation and surveillance;
  - Creating proactive law enforcement outreach efforts to diaspora communities and accessible, safe, and secure portals to report coercion or intimidation;
  - Training State Department and law enforcement personnel to recognize and combat transnational repression; and
  - Creating a "whole-of-government" strategy to address transnational repression and better coordinate law enforcement and diplomatic actions.
- **Create Global Resiliency to Economic Coercion.** The Administration and Congress should work together to create a strategy for reducing the use of trade restrictions or other economic coercion to advance the PRC's interests that includes:
  - Creation of an interagency group within the U.S. Government to counter economic coercion through identification of vulnerable industries and sectors of the U.S. economy, coordi-

nation of anti-coercion relief tools across the U.S. Government and with allies and partners, and creation of robust public diplomacy messaging to build support and resiliency among targeted partners;
- Identification of trade barriers that need to be revised either to impose retaliatory tariffs on Chinese imports as part of joint action with allies and partners or to buy products targeted by the PRC though economic coercion;
- Deployment of expert economic response teams to assist countries facing economic coercion or challenges related to worker rights violations, environmental protections, debt restructuring, and other human rights concerns created as a result of Belt and Road Initiative projects; and
- Advancing the Group of Seven (G7) leaders' statement on economic coercion, including coordinated action with allies at the World Trade Organization or other international institutions to challenge boycotts and trade restrictions that undermine the integrity of the rules-based global economic order.

- **Expand Responses to Digital Authoritarianism.** The Administration should work with like-minded allies to develop clearer multilateral frameworks and norms for the use of AI-driven biometric surveillance and high-standard internet governance principles that support freedom of expression and other fundamental freedoms. In addition, the Administration and Congress should work together to:
  - Ensure that the "China Censorship Monitor and Action Group" (22 U.S.C. 3363) is implemented and integrated fully into the interagency process and has sufficient resources to address the impacts of censorship and intimidation of American citizens and legal residents and be a critical part of a whole-of-government response to digital authoritarianism;
  - Utilize the Digital Ecosystem Fund at the U.S. Agency for International Development (USAID) and the Digital Connectivity and Cybersecurity Partnership at the State Department to enable affirmative alternatives to the PRC's digital infrastructure through targeted investments, capacity building, and access to private-sector expertise;
  - Develop an export control regime for critical and emerging technologies that includes a strong consideration of human rights abuses;
  - Require companies exporting dual-use technologies to report on the human rights impacts of their products;
  - Expand resources for the Open Technology Fund and other internet freedom entities within the U.S. Agency for Global Media to distribute proven and effective anti-censorship tools globally, provide media literacy to help users circumvent China's "Great Firewall," and provide digital security training for civil society advocates and journalists to help identify and counter foreign government propaganda efforts;
  - Create a set of standards that tests all foreign digital platforms, such as WeChat, for their potential to conduct espionage while operating in the United States and signal to foreign governments and actors that utilizing digital authoritarian tools

against U.S. residents or companies will incur a significant cost, including but not limited to U.S. sanctions; and

○ Amend the Foreign Investment Risk Review Modernization Act (Title XVII, Public Law No. 115-232) to trigger a Committee on Foreign Investment in the United States (CFIUS) review of any foreign company seeking to acquire U.S. assets controlling or collecting biometric information of Americans and coordinate such screening processes with allies.

- **Confront the Challenge of Malign Influence Operations.** The Administration should end operations of all PRC security agencies in the United States, including Ministry of Public Security and subordinate branches, to prevent surveillance and intimidation of diaspora communities and intelligence gathering activities. To further address the challenge of PRC malign influence operations in the United States and globally, the Administration and Congress should work together to:

○ Use the "Countering Chinese Influence Fund" to build the capacity of independent investigative journalists and civil society organizations in countries with Belt and Road Initiative projects to expose corruption; malign influence tactics; and environmental, social, and governance risks;

○ Ensure that the recommendations produced by the Foreign Malign Influence Center (FMIC) within the Office of the Director of National Intelligence are implemented and shared widely with allies and partners;

○ Expand the "Protected Voices" initiative at the Federal Bureau of Investigation to provide resources for U.S. residents to protect themselves from PRC propaganda, intimidation, and cyber-attacks;

○ Develop a multi-stakeholder action plan with universities, foundations, think tanks, film production companies, publishers, nongovernmental organizations, and state and local governments so that their interactions with foreign governments or entities uphold standards of academic freedom, corporate ethics, and human rights;

○ Require U.S. educational institutions, think tanks, and other nongovernmental organizations to publicly report all foreign gifts, grants, contracts, and in-kind contributions that exceed $50,000 as part of their annual tax filings to maintain nonprofit status;

○ Expand Mandarin-language training in U.S. schools and colleges by creating and funding the Liu Xiaobo Fund for the Study of Chinese Language;

○ Update and expand the requirements of the Foreign Agents Registration Act (FARA) to cover individuals and other entities lobbying on behalf of foreign governments, entities, or organizations working on educational or scientific pursuits to restrict acquisition of technologies banned under U.S. export controls, and ban lobbying on behalf of entities affiliated with the People's Liberation Army, the Ministry of State Security, or others complicit in egregious human rights abuses; and

○ Support educational and cultural exchange programs, including restoration of the Fulbright exchange program in China and Hong Kong and preservation of the scholarship and ex-

change programs for Tibetans, as a valuable resource and to maintain positive influence channels with the Chinese people.

• **Form Global Coalition to Advance Human Rights Diplomacy.** The Administration should issue a policy directive to require that human rights, the rule of law, and democratic governance goals are embedded in the critical mission strategies of all U.S. Government entities interacting with the PRC and to create action toolkits to share with like-minded allies that include coordinated messaging, sanctions, political prisoner advocacy, atrocity prevention, import restrictions to address forced labor, infrastructure and development models that respect human rights, and programing initiatives that address the rights violations that affect the largest number of China's citizens. In addition, the Administration should empower senior officials from the State Department and the National Security Council to coordinate regional bureaus and directorates to mainstream human rights diplomacy on China within the Administration and with key allies and partners. In addition, Congress should replace the now closed Open Source Fund with a new federal entity that will translate and maintain collections of important open-source Chinese-language materials from the PRC and provide access to all government-sponsored research projects.

• **Protect North Korean Refugees.** Congress should pass the North Korea Human Rights Reauthorization Act (S. 584 / H.R. 3012) and the Administration should coordinate with the South Korean government on public messaging and other initiatives to protect North Korean refugees facing severe human rights abuses and forced deportation by the PRC, including through briefings at the U.N. Security Council while South Korea is a member of the Security Council, establishing multilateral "first asylum" arrangements for North Korean asylum seekers, and gaining access to North Koreans in China for the Office of the High Commissioner for Refugees and humanitarian organizations.

• **Strengthen International Organizations.** The Administration should work with allies and partners to ensure that the governance structures of entities like the International Telecommunication Union, the International Labour Organization, INTERPOL, the World Intellectual Property Organization, and the World Health Organization (WHO) meet the highest standards of transparency, accountability, and reform; uphold universal human rights; and address pressing transnational challenges.

• **Preserve Threatened Cultures and Languages.** Congress and the Administration should respond to threats to the cultural and linguistic heritages of repressed groups in the PRC through the development of assistance programs, both in the United States and around the world, to preserve threatened cultures and languages. The Administration should expand grant programs to assist Uyghur, Mongol, and other ethnic and religious minorities in cultural and linguistic preservation efforts and leverage the tools available in the Tibetan Policy and Support Act (Public Law No. 116-260, 134 Stat. 3119) to help sustain the religious, linguistic, and cultural identity of the people of Tibet. The Administration should prioritize—and Congress should fund—research, exhibitions, and education related to these efforts.

- **Condition Access to U.S. Capital Markets.** Congress should strengthen disclosure and auditing requirements for any listed Chinese companies in U.S. capital markets to ensure that American retirement and investment dollars do not fund companies with links to the PRC's security apparatus, genocide, or other malevolent behavior that undermines U.S. interests and work with the Administration to:
  - Require issuers of securities to disclose to the Securities and Exchange Commission whether they have business activities with entities in the XUAR identified as complicit in the use of forced labor or other gross violations of human rights or have any transactions with companies placed on the Treasury Department's Non-SDN Chinese Military-Industrial Complex Companies List (NS-CMIC List) and the Commerce Department's Entity List and Unverified List.
- **Stop Organ Harvesting.** Congress should pass the Stop Forced Organ Harvesting Act (H.R. 1154 / S. 761) to impose sanctions and other penalties for anyone involved in human trafficking for the purpose of organ removal and expand annual reporting by the State Department on the practice in China and worldwide. The Administration should organize allies and partners at the U.N. Human Rights Council to support the concerns raised by the PRC's "organ harvesting" practices by U.N. human rights experts and seek independent oversight of the PRC organ transplantation system.
- **Create a Special Advisor for Political Prisoners.** The Administration should consider creating the position of Special Advisor for Political Prisoners within the State Department's Bureau of Democracy, Human Rights, and Labor to develop and coordinate diplomatic strategies to gain the release of political and religious prisoners; end the PRC's unacceptable use of "exit bans"; and to serve as a resource to former political prisoners living in the United States seeking guidance on their travels abroad and medical and psychological care.
- **Advocate for Political Prisoners.** The State Department should develop lists with information about political prisoners, and Members of Congress and Administration officials, at the highest levels and at every opportunity, should raise specific political prisoner cases in meetings with PRC officials. Experience demonstrates that consistently raising individual prisoner cases and the larger human rights issues they represent can result in improved treatment in detention, lighter sentences or, in some cases, release from custody, detention, or imprisonment. Members of Congress are encouraged to consult the Commission's Political Prisoner Database for reliable information on cases of political and religious detention in China and in Hong Kong, and to advocate for individual prisoners through the Tom Lantos Human Rights Commission's "Defending Freedoms Project."

COMMISSION ACTIVITY JULY 2022–NOVEMBER 2023

HEARINGS

- The Dismantling of Hong Kong's Civil Society (July 2022)
- Control of Religion in China through Digital Authoritarianism (September 2022)
- China's Zero-COVID Policy and Authoritarian Public Health Control (November 2022)
- CECC at 20: Two Decades of Human Rights Abuse and Defense in China (December 2022)
- Preserving Tibet: Combating Cultural Erasure, Forced Assimilation, and Transnational Repression (March 2023)
- Implementation of the Uyghur Forced Labor Prevention Act and the Impact on Global Supply Chains (April 2023)
- One City, Two Legal Systems: Political Prisoners and the Erosion of the Rule of Law in Hong Kong (May 2023)
- North Korean Refugees and the Imminent Danger of Forced Repatriation from China (June 2023)
- Corporate Complicity: Subsidizing the PRC's Human Rights Violations (July 2023)
- Countering China's Global Transnational Repression Campaign (September 2023)
- From Bait to Plate—How Forced Labor in China Taints America's Seafood Supply Chain (October 2023)
- From Cobalt to Cars: How China Exploits Child and Forced Labor in the Congo (November 2023)

ANNUAL REPORT

- 2022 Annual Report (November 2022)

COMMISSION ANALYSIS

- Hong Kong Prosecutors Play a Key Role in Carrying Out Political Prosecutions (July 2022)
- Hong Kong's Civil Society: From an Open City to a City of Fear (October 2022)
- One City, Two Legal Systems: Hong Kong Judges' Role in Rights Violations under the National Security Law (May 2023)

LETTERS

- Commissioners Ask President Biden to Sanction Hong Kong Prosecutors (July 2022)
- Chairs Seek UN Investigation on Forced Family Separations in Tibet (November 2022)
- Commissioners Ask Thermo Fisher if Its Products Are Involved in Human Rights Abuses in Tibet (December 2022)
- Bipartisan Group of Lawmakers Seeks Answers from Administration about Enforcement of Forced Labor Legislation (April 2023)
- Chairs Ask British Prime Minister to Take Action on Behalf of Jimmy Lai and Other Political Prisoners in Hong Kong (June 2023)

LETTERS (CONTINUED)

- Chairs Write Administration Saying Entity List Additions a "Step in the Right Direction" but Robust Enforcement of UFLPA Still Needed (June 2023)
- Chairs Ask Milwaukee Tool about Reported Forced Labor in Its Supply Chain (July 2023)
- Chairs Seek Meeting with U.N. High Commissioners to Avert North Korean Refugee Crisis (August 2023)
- Chairs Call for the Release of Ilham Tohti on the Ninth Anniversary of His Sentencing (September 2023)
- Chairs Say UFLPA Enforcement Must Be Prioritized (September 2023)
- Chairs Ask NBA and NBPA for Stance on Forced Labor and Freedom of Expression (October 2023)
- Chairs Seek Export Controls on Technology Used for Mass Biometric Data Collection in Tibet (October 2023)
- Chairs Ask Homeland Security Department to Restrict U.S. Imports of Seafood from China (October 2023)
- Letter to Costco and ADI Raises Concerns about Sale of Hikvision and Dahua Products (November 2023)

OTHER COMMISSION ACTIVITY

- Unpacking the CCP's Malign Influence Efforts in the Solomon Islands—A Conversation with Daniel Suidani (April 2023)
- "Hong Kong Summit 2023" by Hong Kong Democracy Council (HKDC) (July 2023)
- Taiwan International Religious Freedom Summit: Advancing the Global Challenge in Religious Freedom, Human Rights, and Democracy (September 2023)
- "China's Destruction of Freedom in Hong Kong: What Xi Jinping's Crackdown Means for America," Symposium by the Committee for Freedom in Hong Kong Foundation (CFHK) (October 2023)
- "Like We Were Enemies in a War: China's Mass Internment, Torture and Persecution of Muslims in Xinjiang," Senate Rotunda exhibit of illustrations by Molly Crabapple from the AI report (October 2023)
- "Transatlantic Cooperation—Crafting U.S.-EU Policy Alignment," roundtable by All-Party Parliamentary Group on Hong Kong (APPG-HK) (October 2023)

III. Respect for Civil Liberties

FREEDOM OF EXPRESSION

Findings

- The Chinese Communist Party (CCP) continued to treat PRC news media as its mouthpiece to provide the Party's version of the news and thereby shape public opinion. Xi Jinping framed the role of media as "ideological" work in his political report during the 20th Party Congress in October 2022.
- Many journalists, other media professionals, and "citizen journalists" remained in detention, in prison, or subject to bail conditions as a result of their reporting. Reporters Without Borders (RSF) estimated that China held 114 journalists in detention, and continued to rank China the world's top jailer of journalists overall, and female journalists specifically.
- Authorities continued to harass, surveil, and restrict foreign journalists and Chinese nationals working for foreign media companies. According to the Foreign Correspondents' Club of China (FCCC), harassment of foreign and local journalists and their sources significantly increased around the time of politically sensitive events. Of 102 survey respondents representing news organizations from 30 countries and regions, "100% said China did not meet international standards for press freedoms and reporting last year."
- Authorities continued to harass, detain, and imprison people who participated peacefully in in-person protests, demonstrations, and other gatherings, including those involved in the White Paper protests. During and after the White Paper protests, authorities took at least 30 people into custody and detained at least 100, while also interrogating many more participants about "sensitive" topics unrelated to the protests.
- Authorities censored online discussion of sensitive topics in which sources criticized or contradicted official policy or positions, including the September 2022 crash of a bus carrying people to a COVID-19 quarantine site that led to 27 deaths, information about mortgage boycotts involving tens of thousands of people and related protests, and social media posts covering a hospital fire in Beijing municipality that killed 29 in April 2023.
- The Cyberspace Administration of China (CAC) continued to unveil regulations diminishing freedom of expression in Chinese cyberspace, launching a "crackdown campaign" against "self media," or news created by independent users not registered as journalists, and adding requirements to monitor and control commenters and the content of comments on all internet platforms.
- In anticipation of the 20th National Congress of the Chinese Communist Party, authorities launched physical and digital campaigns of "stability maintenance and security work" and internet "purification," respectively—to suppress various sources of independent expression.

- Censors continued to suppress various forms of entertainment content that did not conform to the PRC's priorities, including books, comedy shows, and online poetry.
- State security officials continued detaining publishers and editors responsible for material considered sensitive to the Chinese government, including a high-ranking editor at a Party newspaper and a Taiwan-based publisher of books critical of the Party.
- The PRC continued to limit freedom of expression within educational and research institutions, introducing a draft law on widespread "patriotic education" and also issuing a guiding opinion that would increase ideological control over legal education.

Recommendations

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

- Give greater public expression, including at the highest levels of the U.S. Government, to the issue of press freedom in China, condemning the harassment and detention of both domestic and foreign journalists; the denial, threat of denial, or delay of visas for foreign journalists; and the censorship of foreign media websites. Consistently link press freedom to U.S. interests, noting that censorship and restrictions on journalists and media websites prevent the free flow of information on issues of public concern, including public health and environmental crises and food safety, and act as trade barriers for foreign companies attempting to access the Chinese market.
- Sustain, and where appropriate, expand, programs that develop and widely distribute technologies that will assist Chinese human rights advocates and civil society organizations in circumventing internet restrictions so as to improve their ability to access and share content protected under international human rights standards—as well as to protect their own information from China's surveillance and interference. Continue to maintain internet freedom programs for China at the United States Agency for Global Media to provide digital security training and capacity-building efforts for bloggers, journalists, civil society organizations, and human rights and internet freedom advocates in China.
- Increase media literacy and transparency with regard to Chinese state-sponsored propaganda, censorship, and disinformation, including through greater support and funding for graduate-level area studies programs and language study, and greater support for media literacy efforts for international audiences. Provide forums for scholars, civil society advocates, journalists, and technology experts to discuss and disseminate "best practices" in Chinese media literacy.
- Highlight the fact that content creators who criticize the Chinese government on U.S. social media face risk of harassment, censorship, and demonetization efforts.

- Consider ways to ensure transparency on social media and consistency in labeling content from foreign governments across different social media platforms.
- Urge Chinese officials to end the detention and harassment of rights advocates, lawyers, journalists, and others subjected to reprisals for exercising their right to freedom of expression. Call on officials to release or confirm the release of individuals detained or imprisoned for exercising freedom of expression, such as **Zhang Zhan, Sophia Huang Xueqin, Cheng Lei, Kamile Wayit, Zhang Hai, Tong Menglan, Ruan Xiaohuan, Guo Yi, Li Yanhe, Dong Yuyu,** and other political prisoners mentioned in this Report and documented in the Commission's Political Prisoner Database.

FREEDOM OF EXPRESSION

Freedom of the Press

PARTY CONTROL OF THE MEDIA

During the Commission's 2023 reporting year, international observers continued to report harsh conditions for press freedom in China. Freedom House's 2022 Freedom in the World report scored China 0 out of 4 for "free and independent media," [1] and Reporters Without Borders (RSF) ranked China 179th out of 180 countries and territories in its World Press Freedom Index.[2] These dismal conditions continue to violate Article 19 of the International Covenant on Civil and Political Rights (ICCPR),[3] which China has signed but not ratified.[4]

The Chinese Communist Party continued to treat Chinese news media as its mouthpiece to provide the Party's version of the news and thereby shape public opinion.[5] In his political report to the 20th National Congress of the Chinese Communist Party in October 2022, Xi Jinping framed media as "ideological work," calling on Party authorities to use the media to "shape a new pattern of mainstream public opinion." [6] The following month, in observance of China's National Journalists' Day, state-run media outlet Xinhua published an article calling on the media in China to "review the task earnestly entrusted by General Secretary Xi Jinping" and "be the broadcasters of the Party's policies and positions from start to finish." [7] In line with these stated policy goals, state authorities continued to control the media to promote messaging favorable to the Party and Xi Jinping,[8] as the Party maintained direct control over China's major media groups, including sending daily notices to every media outlet with detailed guidelines for the day's reporting.[9]

HARASSMENT, DETENTION, AND IMPRISONMENT OF JOURNALISTS

This past year, many journalists, other media professionals, and "citizen journalists"—non-professionals who publish independently to circumvent official restrictions[10]—remained in detention, prison, or subject to bail conditions as a result of their reporting. RSF recorded its highest-ever number of imprisoned journalists worldwide[11] and continued to rank China the world's "biggest jailer of journalists." [12] For example, on April 30, 2023, PRC authorities reportedly released citizen journalist **Fang Bin** from prison briefly before taking him to Wuhan municipality, Hubei province, to be placed under surveillance and control.[13] Many others remained in jail or detention, including citizen journalist **Zhang Zhan,** who continued to serve a four-year prison sentence in Shanghai municipality for "picking quarrels and provoking trouble" [14] in connection with her independent reporting on coronavirus disease 2019 (COVID-19) conditions in China.[15]

In addition, RSF again ranked China the world's top jailer of female journalists.[16] Authorities continued to hold journalist **Sophia Huang Xueqin**—whom they detained in September 2021 and who previously reported on sexual harassment and pro-democracy demonstrations in Hong Kong[17]—in pretrial detention in Guangdong province on suspicion of "inciting subversion of state power." [18] In

September 2022, Radio Free Asia reported that Huang had dismissed her lawyer, "suggesting she is under huge pressure to plead guilty and 'confess' to the charges against her."[19] Reports have also indicated that Huang requires urgent medical attention for severe weight loss and other untreated long-term conditions.[20] Authorities also continued to hold Australian citizen and China Global Television Network journalist **Cheng Lei**[21]—who had written openly on Facebook about concerns with the Chinese government's response to COVID-19, among other topics[22]—more than 16 months after trying her behind closed doors and three years after initially detaining her for allegedly "illegally supplying state secrets overseas."[23] According to Deutsche Welle, Cheng's eyesight has deteriorated during her time in detention, and authorities refused to allow her family to call or visit her and delayed sending letters she wrote for months.[24] Bloomberg News also reported on June 14, 2022, that Chinese state authorities released Bloomberg journalist **Haze Fan** on "bail pending investigation" in January 2022, more than a year after she was detained on suspicion of crimes related to "national security."[25]

CONDITIONS FOR FOREIGN JOURNALISTS

This past year, authorities continued to harass, surveil, and restrict foreign journalists and Chinese nationals working for foreign media companies. According to a survey of the Foreign Correspondents' Club of China (FCCC) completed in January 2023, harassment of foreign journalists spiked around the time of politically sensitive events, and harassment and intimidation of their Chinese colleagues and Chinese sources increased dramatically in 2022.[26] Of 102 survey respondents representing news organizations from 30 countries and regions, "100% said China did not meet international standards for press freedoms and reporting last year."[27] The FCCC survey further found that online harassment remained pervasive, "fall[ing] disproportionately on female journalists of East Asian descent, as well as Chinese employees of foreign news organizations."[28] In Shanghai and Beijing municipalities, public security officials reportedly harassed and held in custody foreign journalists attempting to cover what came to be known as the White Paper protests.[29] Moreover, the FCCC reported that "journalists from multiple outlets were physically harassed by police while covering the unrest."[30] In one case, Shanghai public security officials reportedly beat and kicked BBC journalist Edward Lawrence and held him for several hours before releasing him.[31] In a separate case, Shanghai public security officials reportedly took into custody Swiss journalist Michael Peuker and his cameraman, both of Radio Télévision Suisse's RTS Info, for about an hour.[32] Officials reportedly confiscated their equipment and later returned it.[33] As for journalist visas, although COVID-19 restrictions were lifted in December 2022, PRC authorities subjected foreign journalists to lengthy administrative delays citing "geopolitical tensions," resulting in more than half of foreign news organizations still waiting in March 2023 for their visas to be renewed.[34]

In-Person Protest and Assembly

This past year, authorities continued to harass, detain, and imprison people who participated peacefully in protests, demonstrations, and other gatherings, violating Articles 19, 20 and 21 of the ICCPR.[35] While the true numbers of protests and detentions remained unclear, Freedom House documented over 2,000 "dissent events" between June 2022 and March 2023 and found "direct evidence" of detentions in 92 of them from June 2022 to January 2023.[36] Protesters demonstrated in response to a variety of issues, such as the PRC government's COVID-19 response, reductions in medical benefits, delayed housing construction, and more.[37] Selected examples include:

- **Medical benefits:** In February 2023, crowds of elderly people—some sources estimated "thousands"—gathered in Wuhan municipality, Hubei province, and Dalian municipality, Liaoning province, to protest a reduction in medical benefits that reportedly occurred as a result of health insurance reform measures.[38] Public security officials detained protesters and their supporters, such as COVID-19 victim family member **Zhang Hai**[39] and Wuhan taxi driver **Tong Menglan,**[40] and in at least one case, public security officials reportedly warned a local man not to participate in the gatherings.[41]
- **Bank protests:** From May to July 2022, authorities suppressed peaceful protests by bank depositors in Henan province.[42] Following the freezing of depositors' accounts at several banks in Zhengzhou municipality in connection with a government investigation into the banks, some depositors took steps to organize protests.[43] In at least one case, authorities appeared to manipulate the health code apps of protesters, triggering COVID-19 quarantine measures that restricted individuals' movement.[44] In one protest that took place in July, large numbers of unidentified individuals arrived at the scene and used violence to disperse protesters.[45] Some depositors said that authorities pressured them to delete information about the protests from their phones, and that authorities and employers visited them and their family members and warned them not to protest, warning of consequences "including threat of job loss."[46]

WHITE PAPER PROTESTS

During and after demonstrations that came to be called the White Paper protests, Chinese authorities harassed and intimidated participants and eyewitness journalists. International nongovernmental organization Chinese Human Rights Defenders reported that authorities definitely took at least 30 people involved with the White Paper protests into custody as of February 2023, though they estimate that over 100 may have been detained in total.[47] Prompted by news of a fire at an apartment building under COVID-19 lockdown conditions in Urumqi municipality, Xinjiang Uyghur Autonomous Region, that resulted in at least 10 fatalities,[48] protesters expressed grievances about zero-COVID measures.[49] In addition, some protesters held up blank pieces of paper to underscore censorship in China, and some expressed the need

for human rights and freedom in China, calling for Party General Secretary Xi Jinping to "step down," and even for an end to the Chinese Communist Party.[50] Beginning on November 26, 2022, over 77 protests took place across 39 cities in China for several days,[51] prompting some analysts to assert that these demonstrations were the most widespread in China since 1989.[52]

In the weeks following the protests, authorities tracked, harassed, and detained protesters and onlookers.[53] According to the Washington Post, protesters in Beijing and Shanghai municipalities experienced "heightened digital surveillance, strip searches, threats against their families, and being forced into physical duress during interrogation."[54] Detentions and interrogations of some protesters reportedly served as opportunities for authorities to question participants about other topics deemed "sensitive," including participation in feminist organizations and the use of banned messaging apps such as Telegram.[55] Public security officials questioned and later detained a group of friends who participated in the demonstrations: **Li Yuanjing,**[56] **Li Siqi,**[57] **Zhai Dengrui,**[58] **Cao Zhixin,**[59] **Qin Ziyi,**[60] **Yang Liu,**[61] Yang's boyfriend **Lin Yun,**[62] and **Xin Shang,**[63] questioning at least some of the female detainees about feminist content they had shared online, asking if they were "feminists" or "lesbians."[64] Some had studied abroad,[65] and authorities reportedly asked some if they were "backed by foreign forces,"[66] consistent with remarks around the same time from other senior officials regarding the protests.[67] After being accused of "picking quarrels and provoking trouble,"[68] authorities reportedly released Xin in February 2023;[69] Qin, Yang, and Lin on bail in January;[70] and Li Yuanjing, Li Siqi, Zhai, and Cao on bail in April.[71] Authorities also detained a number of individuals belonging to ethnic minority groups connected to the protests, including Uyghur university student **Kamile Wayit,**[72] Tibetan university student **Tseyang Lhamo,**[73] and four Tibetan women working at a restaurant in Chengdu municipality, Sichuan province, **Dzamkar,**[74] **Dechen,**[75] **Delha,**[76] and **Kalsang Drolma.**[77] [For more information about the White Paper protests, see Chapter 2—Civil Society and Chapter 6—Governance. For more information about ethnic minorities in China, see Chapter 7—Ethnic Minority Rights and Chapter 17—Tibet.]

Internet

REGULATORY DEVELOPMENTS

The Chinese Communist Party's cyber regulatory authority, the Cyberspace Administration of China (CAC), implemented additional regulations this year that restrict freedom of expression in the cyber sphere. Selected examples follow:

- **Online comment requirements:** In November 2022, the CAC revised the Internet Comment Service Management Provisions ("Provisions"), requiring internet platforms that offer commenting functions to monitor and control commenters and the content of comments.[78] For example, the revised Provisions require social media account operators to report "illegal and unhealthy" content and punish the commenters through account restrictions,[79] as well as evaluate the "credibility" of

users and prorate functionality accordingly.[80] The revised Provisions also require operators of social media accounts to "carry forward the core values of socialism."[81]

- **"Self Media" controls:** The CAC launched a two-month campaign in March 2023 targeting "self media," or news independently created and posted on social media or the internet by independent users who are not registered as journalists.[82] To control the spread of information in this emerging sphere, the directive calls for all online platforms to crack down on "self media rumors," including information from the specific sectors of "public policy, the macroeconomic situation, major disasters, hotly debated incidents, etc."[83]

CENSORSHIP

Adhering to the above regulations and many others, this past year authorities and social media platforms censored online discussion of selected topics in which sources criticized or contradicted official policy or positions and continued to prosecute some internet users who posted content deemed sensitive. Selected examples follow:

- **Guo Feixiong:** In May 2023, the Guangzhou Intermediate People's Court in Guangzhou municipality, Guangdong province, sentenced human rights activist **Yang Maodong** (pseudonym Guo Feixiong)[84] to eight years in prison for "inciting subversion," after detaining him since December 2021.[85] Prosecutors cited essays Guo had written over many years and a pro-democracy website he helped establish.[86]
- **Ruan Xiaohuan:** In early 2023, the Shanghai No. 2 Intermediate People's Court sentenced blogger Ruan Xiaohuan[87] to seven years in prison on charges of "inciting subversion of state power" for his administration of an anonymous blog that published technical advice on how to circumvent China's "Great Firewall."[88] The blog in question, "program-think," had in its twelve years amassed a large following within China and hundreds of posts, discussing topics such as the 1989 Tiananmen protests, information security, and the criticism of the Chinese Communist Party.[89] [For more information about Ruan, see Chapter 16—Technology-Enhanced Authoritarianism]
- **White Paper protests:** Following the beginning of the White Paper protests, local authorities reportedly issued directives calling for censorship of protest content and suppression of censorship circumvention tools, such as virtual private networks.[90] Even though officials continued to censor online posts about the White Paper protests, citizens attempted to remember the protests, as seen in a WeChat post showing a photo at the steps of Communication University of China, Nanjing, in Nanjing municipality, Jiangsu province, where the first person held aloft a piece of blank paper.[91] The WeChat account was linked to a student photography association affiliated with Beijing Youth Daily, a Party-run media outlet administered by the Communist Youth League.[92] The photo reportedly was quickly censored.[93]

- **Mortgage boycotts:** Authorities attempted to censor online information about mortgage boycotts involving tens of thousands of people and related protests.[94] Beginning in July 2022, international media reported a significant increase in protests, as well as threats of payment boycotts, among mortgage borrowers in China who were paying in advance for unfinished properties that developers had stopped building due to financial constraints.[95] Subsequently, internet and social media content and blocked keyword searches related to the issue were deleted,[96] and some online platforms in China reportedly banned shared files that contained information about the issue.[97]
- **COVID-19 remembrance:** After declaring victory over COVID-19 in February 2023, authorities in China have worked to shape the online narrative surrounding the pandemic and its impacts.[98] Censors shut down discussions on social media about the psychological effects of China's "zero-COVID" policy and shut down social media commemorations of the first anniversary of Shanghai's lockdown.[99]
- **Hospital fire:** After a fire in a Beijing municipality hospital killed 29 people in April 2023, Chinese state media did not report on the event for eight hours, while many citizens' social media posts discussing the fire in real time quickly disappeared.[100] Some Weibo users compared the event to the fire in Urumqi municipality, Xinjiang Uyghur Autonomous Region, which sparked the White Paper protests only a few months earlier, and many posted on social media to condemn the apparent censorship of the fire.[101]

Suppression of Independent Expression before the 20th Party Congress

In anticipation of the 20th National Congress of the Chinese Communist Party, authorities launched a campaign of physical and digital efforts—"stability maintenance and security work"[102] and internet "purification," respectively—to suppress independent expression. Amid speculation that Party General Secretary Xi Jinping would secure a precedent-breaking third presidential term at the 20th Party Congress,[103] which he did,[104] some Chinese and international experts said that authorities sought to suppress expression that they viewed as "extreme," "destabilizing," or distracting from the positive image they desired for the 20th Party Congress.[105] Official reports from sectors including the internet, television, public security, and local government called for a "safe and stable political and social environment," "correct political views," and "public opinion guidance" in the context of the 20th Party Congress.[106]

Suppression of Independent Expression before the 20th Party Congress—Continued

Authorities characterized their efforts as follows:

Physical: Officials implemented a "stability maintenance and security work" campaign, which included a "hundred-day" summer public security operation that reportedly resulted in the detention of over 1,430,000 suspects by late September 2022.[107] An official characterized the operation as focused on criminal cases, disorder, the protection of vulnerable groups in society, safety hazards, drunk driving, and traffic accidents,[108] while other official reports linked the operation to the prevention of "group petitioning" (petitioners are those who use the petitioning system, or *xinfang,* to report grievances to authorities);[109] control of "key persons" (*zhongdian ren,* persons of "key" interest to security authorities);[110] ensuring loyalty to the Party;[111] and establishing the political nature of "stability" for the 20th Party Congress.[112]

Digital: The Cyberspace Administration of China (CAC) said that its 2022 and 2023 Lunar New Year internet "purification" campaigns contained a focus on serving the interests of the 20th Party Congress,[113] and in reviewing the 2022 campaign, a senior CAC official reported that as of mid-August 2022 authorities had "cleaned up" over 2,350,000 short videos and "dealt with" over 220,000 livestreaming and short video accounts.[114]

Selected cases of suppression follow:

Sitong Bridge protest: Three days before the start of the 20th Party Congress, authorities in Beijing municipality detained a protester—whom observers widely reported was **Peng Lifa**[115]—after he hung banners from Beijing's Sitong Bridge that called for the removal of Xi Jinping, criticized authorities' response to COVID-19, and called for elections, among other things.[116] Subsequently, individuals across China—in 30 cities, according to one source[117]—engaged in other forms of protest that echoed themes from Peng's protest.[118] Beijing authorities detained at least one person in connection with hanging up posters related to Peng's protest: **Guo Yi.**[119] In some other locations, authorities detained or held for questioning people who published or shared online content related to the incident, such as **Gu Guoping,**[120] **Xu Kun,**[121] and **Wu Jingsheng.**[122] In addition, authorities reportedly ordered Beijing print shops to review the content of orders,[123] and authorities censored related content online, including content that could be interpreted as carrying indirect connotations, such as a song titled "Sitong Bridge" that predated the incident.[124] A China Digital Times analyst characterized the post-protest censorship as "the strictest crackdown I have seen in years, in terms of the sheer breadth of things they are taking down."[125]

Suppression of Independent Expression before the 20th Party Congress—Continued

Critics and petitioners: Some China-based rights advocates characterized restrictions on critics and petitioners before and during the 20th Party Congress as particularly strict.[126] From September 12 through October 22, 2022, Civil Rights & Livelihood Watch reported more than 60 cases in various locations in which authorities or unidentified individuals subjected rights advocates, lawyers, petitioners, and others to "stability maintenance" measures following the 20th Party Congress, including detention, home confinement, extralegal detention, and harassment.[127] As in past cases, authorities reportedly took some high-profile critics on forced "vacations," including **Gao Yu,**[128] **Shen Liangqing,**[129] **Hu Jia,**[130] and **Li Meiqing.**[131] In one case, authorities in Suzhou municipality, Anhui province, reportedly sentenced petitioner **Li Bencai**[132] to 2 years and 10 months in prison for "picking quarrels and provoking trouble"[133] after he told Suzhou authorities that he would travel to Beijing to petition if they did not provide redress for his grievance.[134] Another petitioner, Wu Jixin, characterized Li's sentence as a warning to petitioners ahead of the 20th Party Congress.[135]

Internet content about senior Party leaders: A Wall Street Journal (WSJ) analysis released two days before the start of the 20th Party Congress found that it was "essentially impossible to search [online] for viewpoints about [Xi Jinping] or other senior politicians that don't offer unstinting praise."[136] The WSJ found that searches related to Xi or other senior Party officials returned results predominantly from state-affiliated sources, notifications that results could not be displayed, or zero results.[137] In July 2022, China Digital Times reported that social media platforms Weibo and Bilibili announced that they would crack down on "typos" and "homophones,"[138] which the author noted internet users in China have "long employed" to avoid censorship online, including censorship of references to senior officials.[139]

Social media: Some social media users in China reportedly said that content controls on social media platforms such as Weixin, Douyin, and Weibo—including the blocking of chat groups and the dissemination of warning messages from public security authorities about spreading or believing "rumors" online—increased in the lead-up to the 20th Party Congress, curtailing freedom of expression.[140] In August 2022, Chinese and international media reported that authorities even froze social media accounts belonging to high-profile pro-Party internet users Sima Nan and Kong Qingdong for nationalistic commentary deemed too extreme and, thus distracting from the 20th Party Congress.[141]

Enhanced blocking of censorship circumvention tools: Less than two weeks before the start of the 20th Party Congress,[142] Great Firewall Report, a censorship monitoring platform, said that "more than 100 users [in China] reported that at least one of their transport layer security (TLS) based censorship circumvention servers had been blocked,"[143] which TechCrunch referred to as a "fresh round of crackdowns in the run-up to the [20th Party Congress]."[144] TLS is an internet security protocol[145] that Great Firewall Report estimated "more than half of China's netizens who circumvent online censorship" use.[146]

Art, Entertainment, and Literature

This past year, Chinese authorities continued to censor, suppress, and detain people for various forms of artistic and entertainment content that did not conform to the Chinese Communist Party line. The following are illustrative examples of multimedia censorship:

- New book publishing in China declined significantly this year, continuing a trend throughout Xi Jinping's leadership.[147] According to a report released in March 2023, "there were 25,000 fewer book titles released in China in 2022 than in 2021," including a drop of 5,000 new original Chinese titles, and a drop of 20,000 in imported titles in translation.[148] Several Chinese book editors indicated that they believe this decline is due to tightening controls on content deemed appropriate by the Party.[149]
- As for book publishers, state security officials continued detaining publishers and editors responsible for material considered sensitive by the Chinese government. Chinese authorities detained Taiwan-based publisher **Li Yanhe,** who has published books critical of the Party's history and politics, in March 2023, confirming a month later that Li was "under investigation by national security organs on suspicion of engaging in activities endangering national security."[150] **Dong Yuyu,** columnist and deputy editor of the editorial section at the Party-run newspaper Guangming Daily, was placed under "residential surveillance at a designated location" for six months before being formally arrested on suspicion of "espionage."[151]
- Chinese authorities fined several stand-up comedians this year as punishment for jokes made about the Party or domestic policies. In November 2022, authorities fined Li Bo 50,000 yuan for joking about the COVID-19 pandemic lockdown.[152] Later, the Beijing Municipal Bureau of Culture and Tourism fined the Shanghai municipality-based Xiaoguo Culture Media comedy studio around 13 million yuan (US$1.9 million) for a joke made by its popular comedian, Li Haoshi, during two live performances in Beijing municipality in March 2023.[153] In his joke, Li Haoshi reportedly compared the People's Liberation Army's (PLA) well-known slogan of "maintain exemplary conduct, fight to win" to two stray dogs chasing a squirrel.[154] The joke garnered responses from multiple groups, as Beijing police opened an investigation into Li's performance, the China Association of Performing Arts issued a notice calling for its members to boycott Li, and the PLA's Western Theater Command posted on WeChat criticizing Li's words as "shameless remarks."[155]
- Authorities continued to censor poetry in connection with sensitive events.[156] In September 2022, authorities reportedly banned poet Hu Minzhi from social media platforms Weibo and Douyin after she published a poem that Radio Free Asia described as "apparently satirizing people's lack of agency around the [P]arty [C]ongress."[157] In August 2022, following the death of Jiang Zongcao—wife of former Party official and high-profile

critic Bao Tong (who subsequently died in November 2022)[158]—authorities reportedly required review and approval of poems submitted by mourners.[159] One former participant in the 1989 Tiananmen protests said, "You couldn't even submit an elegiac couplet, either physically or online, particularly if it was signed by someone like me, or [veteran journalist Gao Yu]."[160]

Educational and Research Institutions

This past year, the People's Republic of China (PRC) continued to control freedom of expression within educational and research institutions. Selected examples follow:

- In June 2023, a draft law to strengthen "patriotic education" came before the National People's Congress Standing Committee, aimed at "integrat[ing] love for the country, love for the Party, and the love of socialism."[161] The draft bill includes nine "main content" points of patriotic education, including explicitly political areas such as "the theories of Xi Jinping" and Marxism, as well as "excellent traditional culture" aspects.[162] Although the draft includes guidance for educational institutions,[163] it also contains requirements for online content providers, cultural institutions, and civil society groups, while charging the PLA to enforce the law's provisions.[164] Foreign analysts have voiced concerns with the tight ideological nature of the draft law, arguing that, if passed, it would allow PRC authorities to criminalize "anything they don't like, [including] ideas or comments," as unpatriotic.[165]
- In February 2023, the State Council General Office and Chinese Communist Party Central Committee General Office issued an opinion that called for increasing ideological control over legal education.[166] The opinion calls for adherence to ideological concepts developed by the Party and associated with Xi Jinping, and it calls for "insisting on the correct political orientation" in legal education.[167]

Notes to Chapter 1—Freedom of Expression

[1] Freedom House, "China," in *Freedom in the World 2023,* March 2023.
[2] Reporters Without Borders, "China," *World Press Freedom Index 2023,* accessed May 9, 2023.
[3] International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) on December 16, 1966, entry into force March 23, 1976, art. 19.
[4] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 8, 2023.
[5] Reporters Without Borders, "The Great Leap Backward of Journalism in China," December 7, 2021; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 348.
[6] Xi Jinping, "Gaoju Zhongguo tese shehui zhuyi weida qizhi, wei quanmian jianshe shehui zhuyi xiandaihua guojia er tuanjie fendou—Zai Zhongguo Gongchandang Di Ershi ci Quanguo Daibiao Dahui shang de baogao" [Raise high the great banner of socialism with Chinese characteristics, wage a united struggle to comprehensively establish a modern socialist country—Report at the 20th National Congress of the Chinese Communist Party], October 16, 2022, *People's Daily,* sec. 8(1).
[7] "Zuo Dang he renmin xinlai de xinwen gongzuozhe—Jizhe Jie daolai zhi ji chongwen Xi Jinping Zong Shuji de zhunzhun zhutuo" [Be media workers the Party and people can rely on—As National Journalists' Day arrives, review the task earnestly entrusted by General Secretary Xi Jinping], *Xinhua,* reprinted in *People's Daily,* November 7, 2022. See also "Zhongguo Jizhe Jie, Xi Jinping jiyu meitiren zhongcheng, jianding, chuanbo Dang zheng" [On China National Journalists' Day, Xi Jinping tells media professionals to faithfully and firmly disseminate Party policy], *Radio Free Asia,* November 8, 2022.
[8] Reporters Without Borders, "The Great Leap Backward of Journalism in China," December 7, 2021; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 348.
[9] Reporters Without Borders, "China," *World Press Freedom Index 2023,* accessed May 9, 2023; Freedom House, "China," in *Freedom in the World 2023,* March 2023.
[10] See, e.g., Yumeng Luo and Teresa M. Harrison, "'How Citizen Journalists Impact the Agendas of Traditional Media and the Government Policymaking Process in China," *Global Media and China* 4, no. 1 (2019): 72, 74.
[11] Reporters Without Borders, "2022 Round-up: Journalists Detained, Killed, Held Hostage and Missing," December 14, 2022, 5.
[12] Reporters Without Borders, "2022 Round-up: Journalists Detained, Killed, Held Hostage and Missing," December 14, 2022, 9; Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 6.
[13] Safeguard Defenders (@SafeguardDefend), "#COVID whistleblower #FangBin forced from Beijing to Wuhan and placed under surveillance and partial control. Should highlight what @jeromeacohen dubbed "non-release release," and covered by our report #ChinasFalseFreedom," Twitter, May 3, 2023, 4:49 a.m.; Grace Tsoi, "Fang Bin: China COVID Whistleblower Returns Home to Wuhan after Jail," *BBC,* May 2, 2023; Vivian Wang, "They Documented the Coronavirus Crisis in Wuhan. Then They Vanished," *New York Times,* February 14, 2020, updated January 24, 2023. For more information on Fang Bin, see the Commission's Political Prisoner Database record 2020-00140.
[14] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 293.
[15] Reporters Without Borders, "2022 Round-up: Journalists Detained, Killed, Held Hostage and Missing," December 14, 2022, 7; William Yang, "Zhang Zhan chuan jiankang zhuangkuang gaishan Fang Bin anjian reng pushuo mili" [Zhang Zhan reports her health has improved; Fang Bin's case is still unraveling], *Deutsche Welle,* February 15, 2022; For more information on Zhang Zhan, see the Commission's Political Prisoner Database record 2020-00175.
[16] Reporters Without Borders, "2022 Round-up: Journalists Detained, Killed, Held Hostage and Missing," December 14, 2022, 6–7; Reporters Without Borders, "2021 Round-up: Journalists Detained, Killed, Held Hostage and Missing," updated December 21, 2021, 6.
[17] Chen Zifei, "Concerns Grow over Treatment of Detained #MeToo Activist after She 'Fires' Attorney," *Radio Free Asia,* September 20, 2022; Index on Censorship, "Awards: Journalism 2022," October 28, 2022.
[18] Reporters Without Borders, "2022 Round-up: Journalists Detained, Killed, Held Hostage and Missing," December 14, 2022, 7. For more information on Huang Xueqin, see the Commission's Political Prisoner Database record 2019-00454.
[19] Chen Zifei, "Concerns Grow over Treatment of Detained #MeToo Activist after She 'Fires' Attorney," *Radio Free Asia,* September 20, 2022.
[20] Helen Davidson, "Journalist Held without Trial in China Said to Need Urgent Medical Attention," *Guardian,* February 16, 2023.
[21] Rod McGuirk, "Australia 'Deeply Troubled' by Chinese Espionage Case," *Associated Press,* January 19, 2023. For more information on Cheng Lei, see the Commission's Political Prisoner Database record 2020-00246.
[22] Eryk Bagshaw, "From Suburban Melbourne to Detention in Beijing: The Rise of a TV Anchor," *Sydney Morning Herald,* September 1, 2020.
[23] "Australia Says 'Deep Concerns' over Journalist Detained in China," *Al Jazeera,* March 31, 2023; Ministry of Foreign Affairs, "2022 nian 3 yue 31 ri Waijiaobu fayanren Wang Wenbin zhuchi lixing jizhehui" [Ministry of Foreign Affairs spokesperson Wang Wenbin hosts regular press conference on March 31, 2022], March 31, 2022; Eva Dou, "Beijing Holds Closed-Door Trial for Australian Journalist Cheng Lei," *Washington Post,* March 31, 2022; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 111.

[24] William Yang, "Cheng Lei: Australian Journalist's Dire Prison Conditions," *Deutsche Welle,* September 6, 2022.
[25] Madeleine Lim, "China Has Released Bloomberg News Staffer Haze Fan on Bail," *Bloomberg,* June 14, 2022.
[26] Foreign Correspondents' Club of China, "Zero COVID, Many Controls: Covering China in 2022," March 1, 2023, 14.
[27] Foreign Correspondents' Club of China, "Zero COVID, Many Controls: Covering China in 2022," March 1, 2023, 1.
[28] Foreign Correspondents' Club of China, "Zero COVID, Many Controls: Covering China in 2022," March 1, 2023, 7.
[29] Foreign Correspondents' Club of China (@fccchina), "FCCC statement on the harassment of journalists covering the unrest in Beijing and Shanghai, November 28, 2022," Twitter, November 28, 2022, 2:28 a.m.; Foreign Correspondents' Club of China, "Zero COVID, Many Controls: Covering China in 2022," March 1, 2023, 7.
[30] Foreign Correspondents' Club of China (@fccchina), "FCCC statement on the harassment of journalists covering the unrest in Beijing and Shanghai, November 28, 2022," Twitter, November 28, 2022, 2:28 a.m.
[31] "China COVID: BBC Journalist Detained by Police during Protests," *BBC,* November 28, 2022.
[32] Committee to Protect Journalists, "Shanghai Police Detain Foreign Journalists Covering Anti-Lockdown Protests, Beat BBC Correspondent Edward Lawrence," November 28, 2022.
[33] Committee to Protect Journalists, "Shanghai Police Detain Foreign Journalists Covering Anti-Lockdown Protests, Beat BBC Correspondent Edward Lawrence," November 28, 2022.
[34] Wang Yun, "Foreign Journalists in China Face Official Obstruction, Expulsions and Visa Delays," *Radio Free Asia,* March 2, 2023.
[35] International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) on December 16, 1966, entry into force March 23, 1976, arts. 20–21.
[36] Freedom House, "China Dissent Monitor 2023," Issue 3 (January–March 2023), May 31, 2023; Freedom House, "China Dissent Monitor 2022," Issue 2 (October–December 2022), February 14, 2023. The number of detentions from dissent events was only reported in Issue 2, with data from June 2022 to February 2023.
[37] See, e.g., Freedom House, "China Dissent Monitor 2022," Issue 1 (June–September 2022), October 7, 2022, 1; Freedom House, "China Dissent Monitor 2022," Issue 2 (October–December 2022), February 14, 2023, 1; Gu Ting, "In Wuhan, Thousands of Retirees Protest Slashed Medical Benefits," *Radio Free Asia,* February 8, 2023.
[38] Gu Ting, "In Wuhan, Thousands of Retirees Protest Slashed Medical Benefits," *Radio Free Asia,* February 8, 2023; Verna Yu, "Elderly Chinese People Protest in Wuhan against Medical Benefits Cuts," *Guardian,* February 9, 2023; "Chinese Retirees Take to Streets over Plan to Cut Health Benefits," *Al Jazeera,* February 26, 2023.
[39] Gu Ting, "Wuhan 'Baifa Yundong' duo ren beibu qiuhou suanzhang zhaoran ruojie," [Many people in Wuhan's "White Hair Movement" were detained, abundantly clear retaliation came after the event], *Radio Free Asia,* February 22, 2023; Ye Bing, "Lianghui qian weiwen zhenya kangyizhe ji yiyi renshi Wu fei nan shu gongmin jizhe Zhang Hai shilian huo cheng Fang Bin di'er?" [Maintaining stability by and suppressing protesters and dissidents before the Two Sessions,: Wuhan pandemic victim family member and citizen journalist Zhang Hai incommunicado, will he be the second Fang Bin?is it possible that citizen journalist Zhang Hai lost contact or became Fang Bin number two?], *Voice of America,* February 26, 2023. For more information on Zhang Hai, see the Commission's Political Prisoner Database record 2023-00068.
[40] Civil Rights & Livelihood Watch, "Tong Menglan yin shengyuan 'Baifa Yundong' bei daibu" [Tong Menglan arrested for supporting the "White Hair Movement"], April 7, 2023; Rights Defense Network, "Wuhan Tong Menglan erzi: Guanyu wo fuqin Tong Menglan bei zhuabu de qingkuang tongbao" [Son of Wuhan's Tong Menglan: Situation bulletin on the detention of my father Tong Menglan], April 12, 2023. For more information on Tong Menglan, see the Commission's Political Prisoner Database record 2023-00105.
[41] Gu Ting, "In Wuhan, Thousands of Retirees Protest Slashed Medical Benefits," *Radio Free Asia,* February 8, 2023; Verna Yu, "Elderly Chinese People Protest in Wuhan against Medical Benefits Cuts," *Guardian,* February 9, 2023.
[42] Wenxin Fan, "Large Chinese Bank Protest Put Down with Violence," *Wall Street Journal,* July 11, 2022.
[43] Wenxin Fan, "Large Chinese Bank Protest Put Down with Violence," *Wall Street Journal,* July 11, 2022; Lili Pike and Alex Leeds Matthews, "China's Mortgage Boycotts: Why Hundreds of Thousands of People Are Saying They Won't Pay," Grid, August 29, 2022.
[44] Wenxin Fan, "Large Chinese Bank Protest Put Down with Violence," *Wall Street Journal,* July 11, 2022.
[45] Wenxin Fan, "Large Chinese Bank Protest Put Down with Violence," *Wall Street Journal,* July 11, 2022.
[46] Engen Tham and Martin Quin Pollard, "China's Henan Bank Customers Face Harassment, Job Loss over Protests," *Reuters,* July 12, 2022.
[47] Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023, updated February 22, 2023.
[48] See, e.g., Eva Rammeloo, "What Happened to the Man Who Led the Chants against Xi Jinping?," *1843, Economist,* November 29, 2022.
[49] Lyric Li, "China Clamps Down on 'Zero COVID' Protests, Loosens Some Pandemic Measures," *Washington Post,* November 29, 2022; Jessie Yeung, "Rare Protests Are Spreading across China. Here's What You Need to Know," *CNN,* November 28, 2022.
[50] Lyric Li, "China Clamps Down on 'Zero COVID' Protests, Loosens Some Pandemic Measures," *Washington Post,* November 29, 2022; Eva Rammeloo, "What Happened to the Man Who Led the Chants against Xi Jinping?," *1843, Economist,* November 29, 2022; Jessie Yeung, "Rare

Protests Are Spreading across China. Here's What You Need to Know," *CNN,* November 29, 2022.

[51] Nathan Ruser (@Nrg8000), "From Monday to Thursday this week, our China protest monitor tracked 9 new protests against strict COVID-measures. Mostly in university campuses, where certain campuses appear to be lagging behind in loosening up their COVID-Zero policies. See our map/heatmap," Twitter, December 9, 2022, 7:01 a.m.

[52] See, e.g., Patricia M. Thornton, "The A4 Movement: Mapping Its Background and Impact," *China Leadership Monitor* 75, no. 1 (Spring 2023), March 1, 2023; Nick Schifrin and Teresa Cebrian Aranda, "Thousands in China Protest Zero-COVID Policy in Largest Demonstrations in Decades," *PBS NewsHour,* November 28, 2022; Lindsay Maizland, "From Tiananmen to COVID: Modern China's Protests in Photos," Council on Foreign Relations, December 1, 2022.

[53] Cate Cadell and Christian Shepherd, "Tracked, Detained, Vilified: How China Throttled Anti-COVID Protests," *Washington Post,* January 4, 2023.

[54] Cate Cadell and Christian Shepherd, "Tracked, Detained, Vilified: How China Throttled Anti-COVID Protests," *Washington Post,* January 4, 2023.

[55] Vivian Wang and Zixu Wang, "In China's Crackdown on Protesters, a Familiar Effort to Blame Foreign Powers," *New York Times,* January 26, 2023; Emily Feng, "China's Authorities Are Quietly Rounding Up People Who Protested against COVID Rules," *NPR,* January 11, 2023.

[56] Vivian Wang and Zixu Wang, "In China's Crackdown on Protesters, a Familiar Effort to Blame Foreign Powers," *New York Times,* January 26, 2023. For more information on Li Yuanjing, see the Commission's Political Prisoner Database record 2023-00035.

[57] Vivian Wang and Zixu Wang, "In China's Crackdown on Protesters, a Familiar Effort to Blame Foreign Powers," *New York Times,* January 26, 2023. For more information on Li Siqi, see the Commission's Political Prisoner Database record 2023-00036.

[58] Vivian Wang and Zixu Wang, "In China's Crackdown on Protesters, a Familiar Effort to Blame Foreign Powers," *New York Times,* January 26, 2023. For more information on Zhai Dengrui, see the Commission's Political Prisoner Database record 2023-00037.

[59] Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023. For more information on Cao Zhixin, see the Commission's Political Prisoner Database record 2023-00033.

[60] Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023, updated February 22, 2023. For more information on Qin Ziyi, see the Commission's Political Prisoner Database record 2023-00057.

[61] Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023, updated February 22, 2023. For more information on Yang Liu, see the Commission's Political Prisoner Database record 2023-00039.

[62] Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023, updated February 22, 2023. For more information on Lin Yun, see the Commission's Political Prisoner Database record 2023-00040.

[63] Rights Defense Network, "Yin 'Bai Zhi Kangyi Yundong' zai Beijing zao xingshi juliu reng bei jiya de Xin Shang de xiangguan xinxi" [Information about Xin Shang, who was criminally detained in Beijing for the "White Paper Protests" and is still in custody], January 29, 2023. For more information on Xin Shang, see the Commission's Political Prisoner Database record 2023-00051.

[64] Vivian Wang and Zixu Wang, "In China's Crackdown on Protesters, a Familiar Effort to Blame Foreign Powers," *New York Times,* January 26, 2023; Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023; Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023, updated February 22, 2023; Emily Feng, "China's Authorities Are Quietly Rounding Up People Who Protested against COVID Rules," *NPR,* January 11, 2023.

[65] Iris Zhao, "UNSW Alumna Li Yuanjing among Women Detained by Chinese Police after Attending Zero-COVID Protests," *Australian Broadcasting Corporation,* February 4, 2023. Goldsmiths, University of London, "Responding to Reports of the Detention of a Former Student," January 31, 2023. Center for East Asian Studies, University of Chicago, "Statement on Recent Blank Paper Protests in China," accessed January 23, 2023. Rights Defense Network, "'Bai Zhi Kangyi Yundong' zhong zai Beijing zao jubu renyuan zuixin qingkuang tongbao: (2023 nian 1 yue 20 ri)—shi yu ren bei qubao huoshi, jiu ren bei pibu" [Latest situation bulletin- on the people detained during the "White Paper Protests" in Beijing (January 20, 2023)—Over 10 people released on bail conditions, 9 people approved for arrest], January 20, 2023; Jenny Tang, "Calls Grow among Overseas Universities, Activists for Release of Chinese Protesters," *Radio Free Asia,* February 1, 2023.

[66] Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023.

[67] Consulate General of the People's Republic of China in Strasbourg, "Questions-réponses lors du dîner-débat organisé par l'Association de la Presse Diplomatique" [Questions and answers during the dinner debate organized by the Diplomatic Press Association], December 14, 2022; "Chen Wenqing zhuchi zhaokai Zhongyang Zhengfa Weiyuanhui quanti huiyi qiangdiao, yi youli jucuo guanche luoshi Dang de Ershi Da jingshen, jianjue weihu guojia anquan he shehui wending" [While hosting the convening of a plenary meeting of the Political and Legal Affairs Commission, Chen Wenqing emphasizes taking strong measures to implement the spirit of the 20th Party Congress, resolutely safeguarding national security and social stability], Xinhua, November 29, 2022; Cate Cadell and Christian Shepherd, "Tracked, Detained, Vilified: How China Throttled Anti-COVID Protests," *Washington Post,* January 4, 2023; Kinling Lo, "Diplomat Blames 'Foreign Forces' for Boosting China's COVID-19 Protests," *South China Morning Post,* December 15, 2022; Lily Kuo, Pei-Lin Wu, and Theodora Yu, "Chinese Police Are Knocking on Protesters' Doors, Searching Cellphones," *Washington Post,* November 30, 2022.

[68] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 293.

[69] Chinese Human Rights Defenders, "Xin Shang," Prisoners of Conscience Database, Mainland China, updated March 20, 2023.
[70] Rights Defense Network, "'Bai Zhi Kangyi Yundong' zhong zai Beijing zao jubu renyuan zuixin qingkuang tongbao: (2023 nian 1 yue 20 ri)—shi yu ren bei qubao huoshi, jiu ren bei pibu" [Latest situation bulletin on the people detained in the "White Paper Protests" in Beijing (January 20, 2023)—Over 10 people released on bail conditions, 9 people approved for arrest], January 20, 2023.
[71] Huizhong Wu, "4 Protesters against China's COVID Policy Released on Bail," *Associated Press,* April 20, 2023.
[72] Jane Tang, "U.S.-Based Uyghur Man Calls on China to Release His 19-Year-Old Sister," *Radio Free Asia,* January 26, 2023. For more information on Kamile Wayit, see the Commission's Political Prisoner Database record 2023-00045.
[73] Yangchen Dolma, "China Arrested Four Tibetan Women for Allegedly Protesting against Restrictions of 'Zero-COVID Policy,'" *Tibet Post International,* December 7, 2022. For more information on Tseyang Lhamo, see the Commission's Political Prisoner Database record 2023-00034.
[74] Yangchen Dolma, "China Arrested Four Tibetan Women for Allegedly Protesting against Restrictions of 'Zero-COVID Policy,'" *Tibet Post International*, December 7, 2022. For more information on Dzamkar, see the Commission's Political Prisoner Database record 2023-00041.
[75] Yangchen Dolma, "China Arrested Four Tibetan Women for Allegedly Protesting against Restrictions of 'Zero-COVID Policy,'" *Tibet Post International,* December 7, 2022. For more information on Dechen, see the Commission's Political Prisoner Database record 2023-00042.
[76] Yangchen Dolma, "China Arrested Four Tibetan Women for Allegedly Protesting against Restrictions of 'Zero-COVID Policy,'" *Tibet Post International,* December 7, 2022. For more information on Delha, see the Commission's Political Prisoner Database record 2023-00043.
[77] Yangchen Dolma, "China Arrested Four Tibetan Women for Allegedly Protesting against Restrictions of 'Zero-COVID Policy,'" *Tibet Post International,* December 7, 2022. For more information on Kalsang Drolma, see the Commission's Political Prisoner Database record 2023-00044.
[78] Cyberspace Administration of China, *Hulian Wang Gentie Pinglun Fuwu Guanli Guiding* [Internet Comment Service Management Provisions], issued November 16, 2022, effective December 15, 2022, arts. 7–8. See also Brenda Goh and Ella Cao, "China Revises Rules to Regulate Online Comments," *Reuters,* November 16, 2022.
[79] Cyberspace Administration of China, *Hulian Wang Gentie Pinglun Fuwu Guanli Guiding* [Internet Comment Service Management Provisions], issued November 16, 2022, effective December 15, 2022, art. 10.
[80] Cyberspace Administration of China, *Hulian Wang Gentie Pinglun Fuwu Guanli Guiding* [Internet Comment Service Management Provisions], issued November 16, 2022, effective December 15, 2022, art. 8.
[81] Cyberspace Administration of China, *Hulian Wang Gentie Pinglun Fuwu Guanli Guiding* [Internet Comment Service Management Provisions], issued November 16, 2022, effective December 15, 2022, art. 9.
[82] Cyberspace Administration of China, "Guanyu kaizhan 'Qinglang Congyan Zhengzhi "Zimeiti" Luanxiang' Zhuanxiang Xingdong de Tongzhi" [Circular on launching the special action of "Cleaning and Strictly Rectifying 'Self-Media' Chaos"], issued March 2, 2023, effective March 12, 2023; Zhou Kexin, "China's New Crackdown Targets 'Self Media,'" *Bitter Winter,* March 22, 2023.
[83] Cyberspace Administration of China, "Guanyu kaizhan 'Qinglang Congyan Zhengzhi "Zimeiti" Luanxiang' Zhuanxiang Xingdong de Tongzhi" [Circular on launching the special action of "Cleaning and Strictly Rectifying 'Self-Media' Chaos"], issued March 2, 2023, effective March 12, 2023; Zhou Kexin, "China's New Crackdown Targets 'Self Media,'" *Bitter Winter,* March 22, 2023.
[84] For more information on Guo Feixiong, see the Commission's Political Prisoner Database record 2005-00143.
[85] "China Sentences Activist to 8 Years' Imprisonment," *Voice of America,* May 13, 2023; Rights Defense Network, "Guo Feixiong (Yang Maodong) jiashu shoudao Zhonggong dangju zhengshi daibu Guo Feixiong de tongzhi shu" [Family of Guo Feixiong (Yang Maodong) receive notice of Guo Feixiong's formal arrest from Chinese Communist Party authorities], January 17, 2022.
[86] Chris Buckley, "Chinese Dissident Sentenced to 8 Years after He Tried to Fly to His Dying Wife," *New York Times,* May 12, 2023.
[87] For more information on Ruan Xiaohuan, see the Commission's Political Prisoner Database record 2023-00101.
[88] PEN America, "Chinese Authorities Should Immediately Release Blogger Sentenced to 7 Years in Prison," March 23, 2023; Erik Crouch, Committee to Protect Journalists, "Chinese Blogger Ruan Xiaohuan Sentenced to 7 Years in Prison," March 30, 2023.
[89] Liam Scott, "China Jails Iconic Blogger Who Helped Others Evade Censorship," *Voice of America,* April 14, 2023; PEN America, "Chinese Authorities Should Immediately Release Blogger Sentenced to 7 Years in Prison," March 23, 2023.
[90] "Minitrue: Three Leaked Censorship Directives Target Anti-Lockdown Protests and Censorship-Circumvention Tools," *China Digital Times,* November 30, 2022.
[91] "'White Paper Movement' Remembrance by Party-Affiliated Student Press Association Censored on WeChat," *China Digital Times,* May 3, 2023.
[92] "'White Paper Movement' Remembrance by Party-Affiliated Student Press Association Censored on WeChat," *China Digital Times,* May 3, 2023.
[93] "'White Paper Movement' Remembrance by Party-Affiliated Student Press Association Censored on WeChat," *China Digital Times,* May 3, 2023.
[94] "Homebuyers Boycott Mortgage Payments on Stalled Housing Projects," *China Digital Times,* July 19, 2022; "China Mortgage Boycott Data Erased by Censors as Crisis Spreads,"

Bloomberg, July 15, 2022; "China Censors Strive to Filter or Erase Details of Mortgage Protests," *Reuters,* July 20, 2022; Huileng Tan, "China's Mortgage Protests: Why People Are Refusing to Pay Their Housing Loans—and What It Means for the Country's $18 Trillion Economy," *Business Insider,* July 26, 2022.

[95] See, e.g., "China Mortgage Boycott Data Erased by Censors as Crisis Spreads," *Bloomberg,* July 15, 2022; Laura He, "China Scrambles to Defuse Alarm over Mortgage Boycotts and Banks Runs," *CNN,* July 18, 2022; Lili Pike and Alex Leeds Matthews, "China's Mortgage Boycotts: Why Hundreds of Thousands of People Are Saying They Won't Pay," Grid, May 26, 2023.

[96] "China Mortgage Boycott Data Erased by Censors as Crisis Spreads," *Bloomberg,* July 15, 2022; "China Censors Strive to Filter or Erase Details of Mortgage Protests," *Reuters,* July 20, 2022.

[97] "China Mortgage Boycott Data Erased by Censors as Crisis Spreads," *Bloomberg,* July 15, 2022; "China Censors Strive to Filter or Erase Details of Mortgage Protests," *Reuters,* July 20, 2022; "Homebuyers Boycott Mortgage Payments on Stalled Housing Projects," *China Digital Times,* July 19, 2022.

[98] David Bandurski, "Whitewashing China's Record on COVID," *China Media Project,* January 9, 2023; Wenxin Fan and Shen Lu, "China Seeks to Write Its Own History of Battle with COVID-19," *Wall Street Journal,* April 12, 2023.

[99] Wenxin Fan and Shen Lu, "China Seeks to Write Its Own History of Battle with COVID-19," *Wall Street Journal,* April 12, 2023.

[100] Sha Hua, "Chinese Authorities Arrest 12 after Beijing Hospital Fire Kills at Least 29," *Wall Street Journal,* April 19, 2023; "Beijing wu xinwen: Changfeng Yiyuan dahuo hou, meiti yu shejiao pingtai shisheng de 8 xiaoshi" [No news in Beijing: After the Changfeng Hospital fire, the media and social media platforms were silent for 8 hours], *Initium Media,* April 19, 2023.

[101] Sha Hua, "Chinese Authorities Arrest 12 after Beijing Hospital Fire Kills at Least 29," *Wall Street Journal,* April 19, 2023.

[102] The Commission observed reports that used minor variations in the phrasing of these terms. For example, some referred to "stability maintenance and security work." See, e.g., Han Wen, "Zhongshi luzhi bao ping'an, yongyi qian xing zai chuzheng" [Faithfully perform the duty of safeguarding security, courageously move forward and set forth again], *Tianjin Daily,* October 26, 2022. Some others referred to "security and stability maintenance work." See, e.g., Zhejiang Provincial Public Security Bureau, "Wang Chengguo zai Jinhua dudao jiancha Dang de Ershi Da anbao weiwen gongzuo" [Wang Chengguo oversees and inspects the security and stability maintenance work for the 20th Party Congress in Jinhua], Zhejiang Provincial People's Government, October 21, 2022. Some others referred to "petitioning, security, and stability maintenance work." See, e.g., Kaijiang County People's Government, "Pang Zuocheng diaoyan Dang de Ershi Da xinfang anbao weiwen gongzuo" [Pang Zuocheng inspects petitioning, security, and stability maintenance work for the 20th Party Congress], October 14, 2022. Despite the variations in phrasing, those reports consistently linked "stability maintenance" and "security" efforts to the 20th Party Congress. This chapter of the Commission's 2023 Annual Report uses "stability maintenance and security work" as a shorthand for those collective variations.

[103] See, e.g., "Safeguards for Xi's Stratospheric Rise," *China Media Project,* February 2, 2022; Chris Buckley and Steven Lee Myers, "In Turbulent Times, Xi Builds a Security Fortress for China, and Himself," *New York Times,* August 6, 2022; Stella Chen, "China's Top Police Chief Warns Law Enforcement to Stay Alert to Risk of 'Colour Revolution' Ahead of Major Communist Party Gathering," *South China Morning Post,* September 18, 2022.

[104] "China's Xi Secures Third Term as Head of Communist Party," *Deutsche Welle,* October 23, 2022.

[105] Gu Ting, Chen Zifei, and Amelia Loi, "China Steps Up Domestic Censorship, Overseas Propaganda Ahead of Party Congress," *Radio Free Asia,* August 24, 2022; "China Bans Nationalist Blogger Who Rallied against Tech Giant," *Bloomberg,* August 24, 2022.

[106] See, e.g., Beibei District People's Government, "Quanqu Dang de Ershi Da weiwen anbao gongzuo diaodu hui zhaokai" [District-wide 20th Party Congress stability maintenance and security work dispatch meeting convened], October 10, 2022; PRC Ministry of Justice, "Shanghai shi Jianyu Guanli Ju Dangwei juxing zhuanti xuexi hui" [Shanghai Municipal Prison Management Bureau Party Committee holds special study session], September 21, 2022; Zhang Hui and Yang Haihua, "Pingba qu Dang de Ershi Da weiwen anbao ji xiaji zhi'an daji zhengzhi 'bai ri xingdong' zhuanti gongzuo hui zhaokai" [Pingba district work meeting for 20th Party Congress stability maintenance and security, summer law and order crackdown "100-day operation" convenes], *Xinhua*, August 25, 2022; Dong Fanchao, "Zhongshi lüxing Dang he renmin fuyu de xin shidai shiming renwu" [Faithfully carry out the mission and tasks given by the Party and the people in the new era], *Legal Daily,* reprinted in *People's Daily,* May 26, 2022; Beijing Municipal Radio and Television Bureau, "Beijing shi Guangbo Dianshi Ju guanyu kaizhan 'Qingchun Zhongguo Meng' xiying Dang de Ershi Da wangluo shiting jingpin chuangzuo xiangmu zhengji pingxuan huodong de tongzhi" [Circular of the Beijing Municipal Radio and Television Bureau on launching the collection and selection of the top 20 online audio-visual creation projects of the 'Youth Chinese Dream' to welcome the Party], reprinted in Beijing Municipal People's Government, March 28, 2022; "Guifan wangluo chuanbo zhixu, buduan qianghua 'guan xuan yiti'" [Regulate cyber communication order, ceaselessly improve the "integration of management and propaganda"], *CCTV,* March 18, 2022.

[107] Zhang Yanling, "Gong'an Bu: 'Bai ri xingdong' yilai pohuo xing'an 64 wan yu qi, zhuahuo xianfan 143 wan yu ming" [Ministry of Public Security: Over 640,000 criminal cases cracked, over 1,430,000 suspects nabbed since the beginning of the "hundred-day campaign"], China Internet Information Center, reprinted in *China Release,* September 27, 2022; "90 Percent of Chinese Respondents Say They Have No Worries about Going Out in Nights: Poll," *Global Times,* September 27, 2022.

[108] Zhang Yanling, "Gong'an Bu: 'Bai ri xingdong' yilai pohuo xing'an 64 wan yu qi, zhuahuo xianfan 143 wan yu ming" [Ministry of Public Security: Over 640,000 criminal cases cracked,

over 1,430,000 suspects nabbed since the beginning of the "hundred-day campaign"], China Internet Information Center, reprinted in *China Release,* September 27, 2022.

[109] "Gong'an Bu bushu kaizhan xiaji zhi'an daji zhengzhi 'bai ri xingdong'" [Ministry of Public Security deploys the 'hundred-day campaign' to crack down on public security this summer], *Xinhua,* June 26, 2022.

[110] Hengyang Municipal People's Government, "Shi gong'an ju zhaokai Dang wei hui yanjiu Dang de Ershi Da anbao weiwen gongzuo" [Municipal public security bureau convenes Party committee meeting to research security and stability maintenance work for the 20th Party Congress], July 19, 2022.

[111] Wang Wenjun, "Ding Xiaoqiang zai quanshi gong'an jiguan Dang de Ershi Da anbao weiwen gongzuo dongyuan bushu hui shang qiangdiao, quanli da hao da ying anbao weiwen zhe chang yingzhang, jianjue quebao zhengzhi anquan shehui anding renmin anning" [At municipality-wide mobilization and deployment meeting of public security agencies for 20th Party Congress security and stability maintenance work, Ding Xiaoqiang emphasizes making a full effort to fight well and win the tough battle of security and stability maintenance, resolutely ensure political security, social stability, and peace for the people], *Yuncheng Daily,* September 29, 2022.

[112] Zhang Hui and Yang Haihua, "Pingba qu Dang de Ershi Da weiwen anbao ji xiaji zhian daji zhengzhi 'bai ri xingdong' zhuanti gongzuo hui zhaokai" [Pingba district work meeting for 20th Party Congress stability maintenance and security, summer law and order crackdown "100-day campaign" convenes], *Xinhua,* August 25, 2022.

[113] Cyberspace Administration of China, "Zhongyang Wangxin Ban qidong 'Qinglang 2023 nian chunjie wangluo huanjing zhengzhi' zhuanxiang xingdong" [Cyberspace Administration of China launches "Purification 2023 new year internet environment rectification" campaign], January 18, 2023; Cyberspace Administration of China, "Quanguo hulian wang weifa he buliang xinxi jubao shouli chuzhi yitihua jizhi jianshe tuijin hui zai Jing zhaokai" [Meeting to advance construction of a national integrated mechanism for receiving and processing illegal and unhealthy internet information convenes in Beijing], reprinted in *Legal Daily,* January 28, 2022; "Guifan wangluo chuanbo zhixu, buduan qianghua 'guan xuan yiti'" [Regulate cyber communication order, ceaselessly improve the "integration of management and propaganda"], CCTV, March 18, 2022.

[114] Cao Yan et al., "Zhongyang Wangxin Ban: 2022 nian yilai qingli weigui duan shipin 235 wan yu tiao" [Cyberspace Administration of China: Cleaned up over 2.35 million short videos that violated regulations since the beginning of 2022], *CCTV,* reprinted in *Sina,* August 18, 2022.

[115] For more information on Peng Lifa, see the Commission's Political Prisoner Database record 2022-00176.

[116] See, e.g., Li Yuan, "China's Protest Prophet," *New York Times,* December 7, 2022; Gao Feng, "Zhongguo duo di gongmin zhuanfa 'Sitong Qiao kangyi shijian' zao jingfang koucha, shilian" [Citizens across multiple locations in China detained and questioned by police, or go missing, after reposting about the "Sitong Bridge protest"], *Radio Free Asia,* October 27, 2022; Tessa Wong, "China Congress: How One Man on a Bridge Marred Xi Jinping's Big Moment," *BBC,* October 22, 2022; Feng Yibing, "Beijing Banner Protest Ripples Outward as China Maintains Silence," *Voice of America,* October 20, 2022; "'Bridge Man' Peng Zaizhou's Mission Impossible and His "Toolkit for the Removal of Xi Jinping,'" *China Change,* October 19, 2022; Gao Feng et al., "Beijing Banner Protester Lauded as China's New Tank Man, or 'Bridge Man,'" *Radio Free Asia,* October 14, 2022.

[117] Lili Pike, "'Depose the Traitorous Despot': How China's 'Bridge Man' Unleashed a Global Protest against Xi Jinping," *Messenger,* October 21, 2022.

[118] Lili Pike, "'Depose the Traitorous Despot': How China's 'Bridge Man' Unleashed a Global Protest against Xi Jinping," *Messenger,* October 21, 2022; Jenny Tang, "Overseas Solidarity with Beijing 'Bridge Man' Protest Sparks Fears of Retaliation," *Radio Free Asia,* October 19, 2022.

[119] Sun Zhe, "Feminist and LGBT Activist Held for 3 Months for Sticking Up Posters of 'Bridge Man,'" *Radio Free Asia,* February 6, 2023; Rights Defense Network, "Yin xiangying Sitong Qiao yongshi Peng Zaizhou er zai Beijing zao zhuabu de Guo Yi (Edith) nüshi de xiangguan xinxi tongbao" [Update regarding relevant information for Guo Yi (Edith), detained in Beijing for echoing brave Sitong Bridge man Peng Zaizhou], February 2, 2023. For more information on Guo Yi, see the Commission's Political Prisoner Database record 2023-00054.

[120] Rights Defense Network, "Shanghai gongmin Gu Guoping qi yin zai Tuite shang zhuantie Sitong Qiao yongshi Peng Zaizhou wen tu bei jingfang daizou hou yi huoshi" [Citizen from Shanghai Gu Guoping, taken away by police for sharing text and images of the brave Sitong Bridge man Peng Zaizhou on Twitter, is released], October 27, 2022. For more information on Gu Guoping, see the Commission's Political Prisoner Database record 2016-00027.

[121] Sun Cheng, "Kunming yiyi renshi Xu Kun shengyuan Sitong Qiao kangyi, bei jingfang dai zou xunwen" [Kunming dissident Xu Kun speaks out in support of Sitong Bridge protest, taken away by police for questioning], *Radio Free Asia,* October 16, 2022. For more information on Xu Kun, see the Commission's Political Prisoner Database record 2019-00495.

[122] Gao Feng, "Zhongguo duo di gongmin zhuanfa 'Sitong Qiao kangyi shijian' zao jingfang koucha, shilian" [Citizens across multiple locations in China detained and questioned by police, or go missing, after reposting about the "'Sitong Bridge protest"], *Radio Free Asia,* October 27, 2022. For more information on Wu Jingsheng, see the Commission's Political Prisoner Database record 2022-00166.

[123] Jenny Tang, "Overseas Solidarity with Beijing 'Bridge Man' Protest Sparks Fears of Retaliation," *Radio Free Asia,* October 19, 2022.

[124] Gao Feng et al., "Beijing Banner Protester Lauded as China's New Tank Man, or 'Bridge Man,'" *Radio Free Asia,* October 14, 2022; "Beijing Bridge Protest Scraped from Web as Censorship Tightens before Party Congress," *China Digital Times,* October 13, 2022.

[125] Tessa Wong, "China Congress: How One Man on a Bridge Marred Xi Jinping's Big Moment," *BBC,* October 22, 2022.
[126] Gu Ting, "Beijing Police Ban Drones, Expel Petitioners, Migrant Workers Ahead of CCP Congress," *Radio Free Asia,* September 21, 2022; Gu Ting and Chingman, "Chinese Dissidents, Activists Await Release from House Arrest, Forced 'Vacation,'" *Radio Free Asia,* October 25, 2022.
[127] Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang (yi)" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened (1)], September 12, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang (er)" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened (2)], September 18, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened], September 21, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang (si)" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened (4)], September 26, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang (wu)" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened (5)], September 30, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang (liu)" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened (6)], October 6, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang (qi)" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened (7)], October 11, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da jiang zhaokai gongmin bei weiwen qingkuang (ba)" [The situation of citizens who were subjected to stability maintenance before the 20th Party Congress convened (8)], October 16, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da zhaokai gongmin bei weiwen qingkuang (jiu)" [The situation of citizens who were subjected to stability maintenance as the 20th Party Congress convened (9)], October 17, 2022; Civil Rights & Livelihood Watch, "Zhonggong Ershi Da zhaokai gongmin bei weiwen qingkuang (shi)" [The situation of citizens who were subjected to stability maintenance as the 20th Party Congress convened (10)], October 22, 2022.
[128] For more information on Gao Yu, see the Commission's Political Prisoner Database record 2004-05037.
[129] For more information on Shen Liangqing, see the Commission's Political Prisoner Database record 2018-00317.
[130] For more information on Hu Jia, see the Commission's Political Prisoner Database record 2004-05295.
[131] Gu Ting and Chingman, "Chinese Dissidents, Activists Await Release from House Arrest, Forced 'Vacation,'" *Radio Free Asia,* October 25, 2022; Feng Yibing, "Beijing Banner Protest Ripples Outward as China Maintains Silence," *Voice of America,* October 20, 2022. For more information on Li Meiqing, see the Commission's Political Prisoner Database record 2016-00036.
[132] For more information on Li Bencai, see the Commission's Political Prisoner Database record 2022-00165.
[133] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 293.
[134] Gao Feng, "Ershi Da weiwen jiduanhua, Anhui qiangchai hu tiaojie tuoxie hou fan bei panxing" [20th Party Congress stability maintenance becomes extreme, Anhui resident whose home was forcibly demolished reaches compromise through mediation, sentenced anyway], *Radio Free Asia,* October 10, 2022.
[135] Gao Feng, "Ershi Da weiwen jiduanhua, Anhui qiangchai hu tiaojie tuoxie hou fan bei panxing" [20th Party Congress stability maintenance becomes extreme, Anhui resident whose home was forcibly demolished reaches compromise through mediation, sentenced anyway], *Radio Free Asia,* October 10, 2022.
[136] Liza Lin, "Do Chinese People Like Xi Jinping? You Won't Find an Easy Answer Online," *Wall Street Journal,* October 14, 2022; "Zhongguo Gongchandang Di Ershi ci Quanguo Daibiao Dahui 16 ri shangwu zai Renmin Dahui Tang kaimu Xi Jinping daibiao di shijiu jie Zhongyang Weiyuanhui xiang Dang de Ershi Da zuo baogao" [The 20th National Congress of the Communist Party of China opened in the Great Hall of the People on morning of the 16th; on behalf of the 19th Central Committee, Xi Jinping delivered a report to the 20th Party Congress], *Xinhua,* October 16, 2022.
[137] Liza Lin, "Do Chinese People Like Xi Jinping? You Won't Find an Easy Answer Online," *Wall Street Journal,* October 14, 2022.
[138] "Bilibili/Weibo, jielian tongzhi—Hanzi—zhengzhi—biantizi" [Bilibili/Weibo, successive circulars—Chinese characters—rectification—variant words], *Sohu,* July 13, 2022.
[139] "List of Derogatory Nicknames for Xi Leaked amid Crackdown on 'Typos,'" *China Digital Times,* July 20, 2022.
[140] Gu Ting, "China Steps Up Social Media Censorship, 'Upgrades' Great Firewall Ahead of Congress," *Radio Free Asia,* October 7, 2022.
[141] See, e.g., Shuzi Jie, "Sima Nan bei jinyan, shengxia 1,000 wan fensi fengzhong lingluan!" [Sima Nan blocked, 10,000,000 fans left in disarray!], *Sina,* August 20, 2022; Xinlu Liang, "Nationalistic Blogger Sima Nan Banned from Chinese Social Media," *South China Morning Post,* August 23, 2022; "China Bans Nationalist Blogger Who Rallied against Tech Giant," *Bloomberg,* August 24, 2022; Gu Ting, Chen Zifei, and Amelia Loi, "China Steps Up Domestic Censorship, Overseas Propaganda Ahead of Party Congress," *Radio Free Asia,* August 24, 2022.
[142] "Zhongguo Gongchandang Di Ershi ci Quanguo Daibiao Dahui 16 ri shangwu zai Renmin Dahui Tang kaimu Xi Jinping daibiao Di Shijiu jie Zhongyang Weiyuan Hui xiang Dang de Ershi Da zuo baogao" [The 20th National Congress of the Communist Party of China opened

in the Great Hall of the People on morning of the 16th; on behalf of the 19th Central Committee, Xi Jinping delivered a report to the 20th Party Congress], *Xinhua,* October 16, 2022.
[143] Great Firewall Report, "Large Scale Blocking of TLS-Based Censorship Circumvention Tools in China," reprinted in *GitHub,* October 4, 2022.
[144] Rita Liao and Zack Whittaker, "Popular Censorship Circumvention Tools Face Fresh Blockade by China," *TechCrunch,* October 5, 2022.
[145] See, e.g., "What Is TLS (Transport Layer Security)?," Cloudflare, accessed November 9, 2022.
[146] Rita Liao and Zack Whittaker, "Popular Censorship Circumvention Tools Face Fresh Blockade by China," *TechCrunch,* October 5, 2022.
[147] "A New Era for China's Readers," *China Media Project,* April 25, 2023.
[148] "A New Era for China's Readers," *China Media Project,* April 25, 2023.
[149] "A New Era for China's Readers," *China Media Project,* April 25, 2023.
[150] "Beijing Confirms Missing Taiwan Publisher Li Yanhe Is under National Security Investigation," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* April 26, 2023. For more information on Li Yanhe, see the Commission's Political Prisoner Database record 2023-00241.
[151] Vivian Wang, "China Accuses a Liberal Columnist of Espionage," *New York Times,* April 24, 2023; Rights Defense Network, "Zao Zhonggong dangju yi 'jiandiezui' zhengshi daibu de Guangming Ribao pinglun bu fuzhuren Dong Yuyu de anqing ji jianli" [The case and resume of Dong Yuyu, deputy director of the commentary department of Guangming Daily, who was formally arrested by the Chinese Communist authorities on "espionage charges"], May 7, 2023; For more information on Dong Yuyu, see the Commission's Political Prisoner Database record 2023-00140.
[152] Vanessa Cai, "Chinese Comedy Troupe Hit with US$2 Million Penalty for Jokes about People's Liberation Army," *South China Morning Post,* May 17, 2023.
[153] Chang Che and Olivia Wang, "No Joke: China Fines a Comedy Firm $2 Million for 'Insulting' the Military," *New York Times,* May 17, 2023; Vanessa Cai, "Chinese Comedy Troupe Hit with US$2 Million Penalty for Jokes about People's Liberation Army," *South China Morning Post,* May 17, 2023; Fan Wang, "China Fines Comedy Troupe $2M for Joke about the Military," *BBC,* May 17, 2023.
[154] Chang Che and Olivia Wang, "No Joke: China Fines a Comedy Firm $2 Million for 'Insulting' the Military," *New York Times,* May 17, 2023.
[155] Vanessa Cai, "Chinese Comedy Troupe Hit with US $2 Million Penalty for Jokes about People's Liberation Army," *South China Morning Post,* May 17, 2023.
[156] Lily Kuo, "Student Poetry Contest in China Becomes Unexpected Outlet for Dissent," *Washington Post,* April 24, 2022.
[157] Fong Tak Ho and Gu Ting, "Chinese Poet's Account Deleted after Satirical Poem Ahead of Party Congress," *Radio Free Asia,* September 29, 2022.
[158] Chris Buckley and Vivian Wang, "Bao Tong, 90, Dies; Top Chinese Official Imprisoned after Tiananmen," *New York Times,* November 21, 2022.
[159] Gao Feng, "Police Stop Mourners Attending Funeral of Jiang Zongcao, Wife of Former Top CCP Aide," *Radio Free Asia,* August 25, 2022.
[160] Gao Feng, "Police Stop Mourners Attending Funeral of Jiang Zongcao, Wife of Former Top CCP Aide," *Radio Free Asia,* August 25, 2022; Michael Forsythe and Chris Buckley, "Journalist Missing Ahead of Tiananmen Anniversary," *New York Times,* April 29, 2014.
[161] National People's Congress, "Zhonghua Renmin Gongheguo Aiguo Zhuyi Jiaoyu Fa (cao'an)" [PRC Patriotic Education Law (draft)], June 26, 2023; Ryan Ho Kilpatrick, "Legislating Love for the Ruling Party," *China Media Project,* June 30, 2023. For an unofficial English translation of the draft law, see "P.R.C. Patriotic Education Law (Draft)," translated in *China Law Translate,* June 29, 2023.
[162] National People's Congress, "Zhonghua Renmin Gongheguo Aiguo Zhuyi Jiaoyu Fa (cao'an)" [PRC Patriotic Education Law (draft)], June 26, 2023, art. 6; "P.R.C. Patriotic Education Law (Draft)," translated in *China Law Translate,* June 29, 2023, art. 6.
[163] National People's Congress, "Zhonghua Renmin Gongheguo Aiguo Zhuyi Jiaoyu Fa (cao'an)" [PRC Patriotic Education Law (draft)], June 26, 2023, arts. 14–15; "P.R.C. Patriotic Education Law (Draft)," translated in *China Law Translate,* June 29, 2023, arts. 14–15.
[164] National People's Congress, "Zhonghua Renmin Gongheguo Aiguo Zhuyi Jiaoyu Fa (cao'an)" [PRC Patriotic Education Law (draft)], June 26, 2023, arts. 11, 12, 20, 22, 24, 30; "P.R.C. Patriotic Education Law (Draft)," translated in *China Law Translate,* June 29, 2023, arts. 11, 12, 20, 22, 24, 30.
[165] Ryan Ho Kilpatrick, "Legislating Love for the Ruling Party," *China Media Project,* June 30, 2023; Hsia Hsiao-hwa and Gu Ting, "Planned Chinese Law Would Mandate the Study of 'Xi Jinping Thought' in Schools," *Radio Free Asia,* June 27, 2023.
[166] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jiaqiang Xin Shidai Faxue Jiaoyu he Faxue Lilun Yanjiu de Yijian* [Opinion on Strengthening Legal Education and Legal Theory and Research in the New Era], February 26, 2023, sec. 1(1). See also "China Releases Key Guideline on Legal Education, Stresses Firm Stand to Oppose Western Erroneous Views," *Global Times,* February 27, 2023.
[167] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jiaqiang Xin Shidai Faxue Jiaoyu he Faxue Lilun Yanjiu de Yijian* [Opinion on Strengthening Legal Education and Legal Theory and Research in the New Era], February 26, 2023, sec. 1(1).

CIVIL SOCIETY

Findings

- During the Commission's 2023 reporting year, PRC authorities tightened control over civil society, bolstering oversight of legal nongovernmental organizations (NGOs), which the Chinese government calls "social organizations" (SOs), and widely cracking down on the activities, expression, and existence of unregistered or "illegal social organizations" (ISOs), including human rights defenders, religious communities, and groups promoting labor rights, women's rights, and the rights of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) persons.
- The Chinese Communist Party and government have pursued and implemented regulatory efforts to "gatekeep" registration for SOs, resulting in the lowest rate of registration of SOs since 2008.
- This year, the Chinese Communist Party Central Committee said that it would establish a social affairs work department that aims to improve Party-building in SOs, more firmly entrenching Party control over civil society.
- This past year, the Commission observed efforts to institutionalize an aggressive 2021 campaign that targeted both ISOs and the financial, technological, and administrative infrastructure that enables them to function, taking actions including banning legal organizations from any contact with ISOs.
- The Chinese Communist Party and government continued to incentivize SOs to engage in charity work and service provision in key sectors. Official efforts encouraged philanthropic giving aligned with Party and government goals, using oversight of crowdfunding platforms to both direct funds and exert control over NGOs.
- As of December 8, 2022, the Australian Strategic Policy Institute's China Protest Tracker recorded 77 protests across 39 Chinese cities, demonstrating that, while decentralized and ad hoc, White Paper protesters appear to have leveraged existing networks to generate a temporary but sustained nationwide pressure campaign against the PRC's zero-COVID policy.
- In April 2023, PRC authorities sentenced China Citizens Movement organizers and rights defenders **Xu Zhiyong** and **Ding Jiaxi** to 14 and 12 years in prison, respectively, for "subversion of state power," constituting what one longtime observer of the PRC justice system described as some of the harshest sentences he had seen in over twenty years.
- Chinese government authorities continued to censor and suppress efforts by advocacy groups in the LGBTQ community. In May 2023, the Beijing LGBT Center, one of the largest organizations serving the LGBTQ community, closed, reportedly due to pressure from authorities.
- Although social acceptance of LGBTQ persons and relationships has grown in China in recent years, PRC authorities have continued to tighten control over suspected LGBTQ representation and expression in media and entertainment.

Recommendations

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

- Call on the Chinese government to release civil society advocates and staffers, in particular veteran human rights defenders **Xu Zhiyong, Ding Jiaxi,** and **Chang Weiping,** feminist and labor rights advocate **Li Qiaochu,** journalist and gender rights advocate **Sophia Huang Xueqin,** labor rights advocate **Wang Jianbing,** and other civil society and rights advocates detained for peacefully exercising their human rights, especially their rights to freedom of expression, assembly, and association, guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.
- Encourage the Chinese government to revise its regulatory framework for civil society organizations, including the PRC Law on the Management of Overseas Nongovernmental Organizations' Activities in Mainland China and the PRC Charity Law, to conform with international human rights standards regarding freedom of association, assembly, and expression.
- Urge the Chinese government to abide by its international legal obligations with respect to Chinese citizens' freedom of association, assembly, and expression and cease the unlawful harassment and arbitrary detention of civil society advocates and the closing of civil society organizations and online accounts of advocates.
- Continue to fund, monitor, and support programs globally that promote human rights, democracy, and the rule of law in mainland China and Hong Kong.
- Facilitate the participation of Chinese civil society advocates and human rights defenders in relevant international forums, to the extent that such participation remains independent of Chinese government control and does not endanger individuals.
- Work with U.S. allies and partners to counter PRC efforts to block civil society groups from obtaining consultative status at the United Nations.
- Support non-profit leadership and advocacy trainings for Chinese, Hong Kong, Tibetan, and Uyghur advocates who are now living outside of China and convene a periodic summit of stakeholders regarding the path forward for Chinese civil society, offline and online.
- Consider shifting support to more fluid models of advocacy, including "loose networks of professionals, friends, affinity groups, students" and other like groupings, recognizing the constricting space for civil society organizations.
- Consistent with commitments made by PRC delegations at various U.N. treaty body reviews, encourage the Chinese government to provide information about measures taken to adopt comprehensive anti-discrimination legislation, indicating how such legislation will explicitly protect LGBTQ persons, among other groups.

○ Maintain funding, oversight, and evaluation of foreign assistance programs in China that support human rights advocacy as part of civil society programming. To the extent practicable under current conditions, consider boosting funding for programs focused on rights advocacy, capacity building, and leadership training for Chinese lawyers and human rights advocates.
○ Continue to arrange events at the U.N. Human Rights Council in Geneva and at U.N. Headquarters in New York on ongoing human rights violations in China.

CIVIL SOCIETY

Introduction

Domestic civil society in the PRC has continued to develop along distinct axes. On the one hand, "social organizations" (*shehui zuzhi*)—the government's term for civil society organizations—that have registered and operate under Chinese Communist Party and government oversight persist, explicitly appealing to official priorities. On the other, despite the near-complete marginalization of independent civil society, ad hoc and fluid networks have emerged and adapted to an environment that—while highly restricted—remains in flux. Participants in the White Paper protests over coronavirus disease 2019 (COVID–19) lockdowns demonstrated that loose networks of professionals, friends, affinity groups, students, and others were able to develop and maintain connections to mobilize public protest and follow-on actions. Falling between government-sanctioned "social organizations" and diffuse protest movements, some civil society groups continued to occupy a diminished "gray zone," including foreign nongovernmental organizations (NGOs) that maintained a presence in the PRC despite a precarious legal status. Groups serving China's LGBTQ community have traditionally sought to operate in this "gray zone," [1] but authorities have exerted increased pressure on the sector in recent years, resulting in diminished space in which to operate. In a development that illustrated the dire situation for civil society, in April 2023, a Chinese court handed down harsh sentences to civic participation advocates **Xu Zhiyong** and **Ding Jiaxi,** shocking many observers and sending a chilling message to Chinese civil society.

Regulations and Policy Pertaining to Civil Society

AUTHORITIES EXPAND CONTROL OVER SOCIAL ORGANIZATIONS

This reporting year, civil society experts observed efforts to "gatekeep" registration for social organizations (SOs), ensuring that only organizations amenable to Chinese Communist Party control operate with legal protections, a process which has stalled the growth of the sector and rendered groups deemed undesirable increasingly vulnerable.[2] According to the Blue Book on Social Organizations' 2022 report,[3] the rate of registration for SOs in 2021 reached its lowest point since 2008, likely a result of low approval rates.[4] In December 2021, the Ministry of Civil Affairs (MCA) issued the 14th Five-Year Plan for the Development of Social Organizations, which called on regulators to make registration more difficult and emphasized Party-building and political work within SOs, building on the existing trend toward lower approval rates.[5] In addition to limiting the number of SOs and ensuring that they reflect the Party line, official guidance has also called for MCA regulators to consider sectoral, regional, and issue area distribution in issuing SO approvals.[6] For example, the 2023 MCA nationwide conference on social organization and management work stressed that officials should "optimize distribution," providing additional criteria by which the Party and government might deny registration to social organizations.[7]

Along with gatekeeping measures, this year the Chinese Communist Party Central Committee said that it would establish a new social affairs work department, which will expand the Party's role in civil society.[8] According to the Party and State Institutional Reform Plan (2023), the social affairs work department will centralize public opinion gathering and petitioning processes and will "improve Party-building" in nongovernmental entities, including SOs.[9] These reforms will be instituted at the national level by the end of 2023 and at the local level by 2024.[10] One political scientist said that, under the department, "the freedom of civil organizations will be squeezed even further," adding that they "will be turned into organs serving the needs of the [P]arty."[11]

SOCIAL ORGANIZATIONS DEEMED "ILLEGAL"

The Chinese government labels social organizations that do not seek to register with the MCA, those that are denied approval, and those that are explicitly banned as "illegal social organizations" (ISOs) and aims to root them out. This past year, the Commission observed efforts to institutionalize an aggressive 2021 campaign that targeted both ISOs and the financial, technological, and administrative infrastructures that enable them to function, including any ties or cooperation with legal social organizations.[12] For example, in November 2022, nearly a year after announcing that it would extend the crackdown measures indefinitely by "regularizing" the campaign, the MCA released a draft of Measures for the Annual Inspection of Social Groups.[13] The draft measures stated that even holding a function with an ISO would be automatic grounds for a group to fail inspection, undermining a strategy that many unregistered or illegal groups have relied upon in order to survive and access resources: attaching themselves to legal social organizations.[14] The government has also used the public to monitor and report on potential ISOs: through its online platform, the MCA offered a searchable database to determine whether a social organization is legal or not and allows users to report "misbehaving civil society."[15]

While authorities have published several tranches of organizations newly designated as illegal over this past year, one 2022 study observed a practice of "strategic opacity around politically sensitive organizations," whereby the government refrains from publicly listing politically sensitive organizations, even when those groups are already known to be banned.[16] For example, the MCA's publicly available lists omit any mention of several prominent feminist and labor rights organizations, whose closures are known and have been well-documented.[17] Scholars Diana Fu and Emile Dirks have posited that the omission of politically sensitive groups from public databases likely reflects the government's desire to limit awareness of such groups and preserve its "... discretionary power to handle threatening groups in a manner unconstrained by formal law or regulations."[18]

Foreign NGO Activity in China

During the Commission's 2023 reporting year, foreign nongovernmental organizations (NGOs) maintained a presence in the PRC

despite occupying a legally precarious position in the country under the PRC Law on the Management of Overseas Nongovernmental Organizations' Activities in Mainland China, which is supervised by the Ministry of Public Security.[19] Since the law's implementation in 2017, some experts and others involved with NGO work in China have expressed concern that aspects of the law remained ambiguous and open to varying interpretations.[20] In August 2022, ChinaFile's China NGO Project concluded that such ambiguity was "a feature, not a bug, of the system," designed to allow local officials to use "unspoken protocols" to selectively enforce the law.[21] In December 2022, Tsinghua University's Institute for Philanthropy published an article echoing concerns about inconsistent application of the NGO law but reaffirmed the importance of "strictly controlling" organizations and activities that threaten China's national security.[22] Foreign NGOs that have opted to remain in the country have focused on projects related to poverty alleviation, philanthropy and development, disability services and rights, health, children's issues, and education, while industry associations representing a particular industry or professional sector made up 80% of new organizations registering under the law in 2021.[23]

Official Support for Charities and Philanthropic Giving

The Chinese Communist Party and government continued to promote social organizations (SOs) focused on charity work and service provision in key sectors and to encourage philanthropic giving aligned with Party and government goals.[24] As online crowdfunding platforms have grown increasingly popular, the government has used its oversight of the platforms to funnel resources to charities working on Party and government priorities and to limit which SOs are able to utilize the platforms to conveniently access resources.[25] According to a peer-reviewed study by several scholars based at universities in China, by regulating these platforms, "the government [is able to] strengthen its supervision over crowdfunding activities and mitigate its resource shortages."[26] Crowdfunding and online philanthropy platforms, predominately run by for-profit Chinese technology companies, have launched initiatives centered on state policy priorities and have used language that echoes official propaganda.[27] For example, in 2021, Tencent chose "common prosperity" as the theme for its popular "99 Giving Day,"[28] and in 2022, around 60% of donations generated by the event went toward "rural revitalization,"[29] a major policy priority under Xi Jinping.[30]

White Paper Protests

In late November 2022, PRC citizens in locations throughout the country took part in protests against the government's "zero-COVID policy." These protests were precipitated by a fatal fire in Urumqi municipality, Xinjiang Uyghur Autonomous Region, in which residents were unable to escape the burning building, reportedly because some entries and exits to the building were blocked due to particularly severe zero-COVID restrictions.[31] Although authorities have worked to dismantle independent civil society and organized expressions of discontent under Xi Jinping,[32] the protests

against zero-COVID lockdowns—popularly known as the "blank paper,"[33] White Paper, or "A4" protests[34]—illustrate that, even in the absence of formally constituted rights groups, "invisible, unorganized, informal networks" came together in what a leading activist has termed "units of resistance."[35] Reuters reported that the protests have been publicized by "tight knit groups of friends" passing information along in a decentralized manner.[36] In one instance, a group of young women in Beijing who were criminally detained for attending a November 27, 2022, protest [see Government Suppression of Civil Society in this chapter] shared information about a vigil for Urumqi fire victims on the messaging service WeChat, which the friend group used to keep in touch and organize social events.[37] After meeting at vigils and protests, attendees expressed feeling energized by finding that they were not alone in their frustration at the lockdowns.[38] As the protests spread, participants used online messaging platforms like WeChat and Telegram to form new, location-specific groups; organize and publicize events; and provide support for protesters navigating law enforcement and possible detention.[39] As of December 8, 2022, the Australian Strategic Policy Institute's China Protest Tracker recorded 77 protests across 39 Chinese cities, demonstrating that, while the protests were decentralized and ad hoc, protesters appear to have leveraged existing networks to generate a temporary, but sustained, nationwide pressure campaign against zero-COVID.[40]

Authorities then used these existing networks, such as friend groups, alumni and professional networks, and others to identify, monitor, and detain protesters. Protesters and reporters alike claim that public security officials infiltrated WeChat and Telegram groups created to coordinate protest activities.[41] According to multiple accounts, public security officials took into custody a large number of women participants, some of whom were asked during interrogations whether they "were feminists, lesbians, or backed by foreign forces," likely based on content detainees shared with friends on online platforms.[42] Activists and observers have pointed out that the Chinese government appears to be scapegoating feminists and members of the LGBTQ community for the protests.[43]

[For more information about the White Paper protests, see Chapter 1—Freedom of Expression and Chapter 12—Public Health. For more on the government's handling of the protests, see Chapter 6—Governance. For more on the government's use of technology to suppress the protests and identify protesters, see Chapter 16—Technology-Enhanced Authoritarianism.]

Harsh Sentencing of China Citizens Movement Organizers

In April 2023, People's Republic of China (PRC) authorities sentenced China Citizens Movement (CCM) organizers and rights defenders **Xu Zhiyong** and **Ding Jiaxi** to 14 and 12 years in prison, respectively, for "subversion of state power," in connection with a CCM-organized gathering in Xiamen municipality, Fujian province, in 2019.[44] The CCM focused on cultivating "ordinary" Chinese people's identity as citizens, encouraging them to exercise the rights and responsibilities guaranteed by China's Constitution; it regularly held open gatherings and remained loosely constituted in order to bypass official repression.[45] The Linshu County People's Court in Linyi municipality, Shandong province, issued the verdicts nearly a year after a secret trial, during which authorities barred family members from attending and prevented their lawyers from speaking under threat of disbarment.[46] Experts, fellow rights defenders, and family members of the two men expressed shock at the length of the sentences, which many believe were intended to exert a chilling effect on the already-decimated rights defender community.[47] William Nee of Chinese Human Rights Defenders described the sentences as two of the longest he had seen in over twenty years observing China's criminal justice system.[48] In a statement dictated after being denied access to pen and paper, Xu Zhiyong said that he still had a dream of a China that was "truly a country of the people, its government chosen by ballots, not violence."[49] Similarly deprived, Ding dictated a statement, saying he believed that, "the megalomania of dictatorship and the eternal one-party state is fast coming to an end, and the social transformation of China is growing closer, day by day."[50]

Government Suppression of Civil Society

This past year, the People's Republic of China (PRC) continued to suppress human rights advocacy and civil society activity through arbitrary detention, arrest, surveillance, and other means. Official suppression included the following representative examples:

- In December 2022, Beijing municipality police detained **Cao Zhixin, Li Yuanjing, Li Siqi,** and **Zhai Dengrui,** members of a group of friends living in Beijing, on suspicion of "picking quarrels and provoking trouble" in connection with their attendance at a November vigil honoring victims of a fatal fire in Urumqi municipality, Xinjiang Uyghur Autonomous Region.[51] Authorities released the four women on bail in April 2023.[52]
- Authorities forcibly closed and banned as "illegal social organizations" several prominent unregistered or "house" churches, including Changchun Sunshine Reformed Church in Changchun municipality, Jilin province;[53] Linfen Covenant Church in Linfen municipality, Shanxi province;[54] and Xi'an Church of Abundance in Xi'an municipality, Shaanxi province.[55] [For more information on suppression of unregistered Protestant churches, see Chapter 3—Freedom of Religion]
- In February 2023, authorities took into custody rights defender **Zhang Hai** for his participation in a protest over cuts to retirees' medical benefits in Wuhan municipality, Hubei

province.[56] [For more information about the retirees' protests, see Chapter 1—Freedom of Expression and Chapter 12—Public Health.]

• In June 2023, the Feng County People's Court in Baoji municipality, Shaanxi province, sentenced rights lawyer **Chang Weiping** to three years and six months in prison for "subversion of state power," also in connection with the 2019 China Citizens Movement gathering in Xiamen municipality, Fujian province [See box titled Harsh Sentencing of China Citizens Movement Organizers above].[57] In 2020, Chang posted a video on YouTube, saying that Baoji authorities had tortured him while holding him in residential surveillance at a designated location, a form of secret detention.[58]

Status of LGBTQ Persons

Chinese government authorities continued to censor and suppress advocacy groups in the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community,[59] yet claimed in international fora that all citizens enjoy access to rights protections.[60] During the third review of the International Covenant on Economic, Social and Cultural Rights (ICESCR) held in Geneva, Switzerland, on February 15-16, 2023, and in its submissions in advance of the review, the PRC delegation addressed concerns about the status of LGBTQ persons, stating that "Chinese citizens have equal access to all the rights guaranteed by the Constitution and the law. Our existing legal system does not contain the concept of LGBT."[61] Similarly, PRC delegates claimed during the May 2023 review of China by the Committee on the Elimination of Discrimination against Women that "The Constitution and laws of China do not discriminate against [LGBTQ], they are viewed as normal people and there is no special accommodation for them" and that the law protects women from sexual- and gender-based violence.[62] Members of the LGBTQ community in China, nevertheless, reportedly continue to face violence, including domestic violence.[63] Moreover, "individuals and organizations working on LGBTQ matters reported discrimination and harassment from authorities" according to the State Department.[64] In response to the U.N. Human Rights Council Working Group's non-binding recommendation that China "adopt legislation within one year [of their 2018 Universal Periodic Review] prohibiting discrimination on grounds of sexual orientation and gender identity in all public and private sectors and provide for positive duties on the part of government to promote equality on these grounds," PRC delegates claimed that they had "accepted and already implemented" the recommendation although the Commission could not find evidence that they had done so.[65] The Economist reported that Chinese domestic coverage of the treaty body reviews omitted mention of LGBTQ issues, including Chinese delegates' claims that the PRC did not discriminate against LGBTQ persons.[66]

Status of LGBTQ Persons—Continued

Although social acceptance of LGBTQ persons and relationships seemed to be growing in recent years, rhetoric in Party and state-controlled media may indicate decreased official tolerance for LGBTQ speech, association, and popular representation.[67] One LGBTQ rights advocate who writes under the penname "Comrade A Qiang" observed a marked decrease in state-owned media acknowledging LGBTQ identity or encouraging tolerance of LGBTQ-identified persons, especially since 2022.[68] In one case from March 2023, after the California-based Academy of Motion Picture Arts and Sciences awarded the movie "Everything Everywhere All at Once" the Oscar for Best Picture, official Party news media outlet People's Daily reprinted an article using the euphemistic term "Westernized lifestyle" instead of identifying a character as LGBTQ, implying that such an identity or relationship is inherently "Western," and therefore problematic.[69] Some experts believe that this view has been encouraged under Xi Jinping as part of a nationalist agenda and amid concerns about demographic decline.[70]

Closure of Beijing LGBT Center

In May 2023, the Beijing LGBT Center, one of China's largest NGOs serving the LGBTQ community, announced its immediate closure.[71] While the organization did not explicitly state that it was forcibly closed by the government, advocates and observers say that the Center had been under ongoing and significant pressure.[72] The Center's announcement attributed the closure to "force majeure," which a reporter described as "a common euphemism for government action."[73] According to an expert on LGBTQ issues in China, the organization had been subject to multiple crackdowns, including police raids and social media bans.[74] In May 2023, members of the LGBTQ community connected with the Center described being questioned by the police for participating in LGBTQ-related events.[75] Prior to the Center's May 2023 closure, authorities had reportedly constrained the Center from operating, yet prevented it from closing down altogether for fear of drawing international censure.[76] The Beijing LGBT Center is the most recent of several major groups in China focused on LGBTQ persons to close since 2020.[77] Scholar and LGBTQ rights advocate Stephanie Yingyi Wang observed that the closure of the Beijing LGBT Center signals a "new era" for the LGBTQ movement and LGBTQ persons in China, who have been increasingly relegated to online-only spaces for community building as physical community spaces like Beijing LGBT Center are shuttered.[78]

Status of LGBTQ Persons—Continued

Prominent Cases

This past year, though the court system remains open to hearing grievances, several Chinese court cases illustrate the difficulties members of the LGBTQ community faced when seeking redress for discrimination and legal protection for LGBTQ expression. These include:

- In January 2023, China-based LGBTQ advocacy and community services group Tongyu reported on a discrimination case that gay flight attendant Chai Cheng brought against his employer, state-owned enterprise China Southern, saying that he had lost his job after being publicly outed as a gay man.[79] According to a recording Chai made after the incident, his supervisor asked if he was a member of any "gay social organizations," cautioned that such organizations "should not be allowed to gain leverage over our state-owned enterprise," and expressed concern that Chai's behavior was inconsistent with the increased emphasis on morality in official propaganda around "socialist core values."[80] The Shenzhen municipality, Guangdong province, court dismissed Chai's discrimination lawsuit, saying that China Southern had not violated the law by grounding Chai for six months without pay before firing him, which Tongyu pointed out reflects China's failure to enact anti-discrimination laws protecting LGBTQ persons.[81]
- In February 2023, two students at Tsinghua University filed a lawsuit against the Ministry of Education with an intermediate court in Beijing, seeking to overturn disciplinary actions the university took against them for passing out rainbow flags on campus.[82] The two have appealed through university, municipal, and national-level bureaucracies, which have to date upheld Tsinghua's decision.[83] They also filed a lawsuit, which the court has not heard, arguing that the Ministry of Education was required to hear the case and asserting that their educational rights had been violated.[84]

Entertainment Guidelines

PRC authorities have continued to tighten control over suspected LGBTQ representation and expression in media and entertainment. In July 2022, the National Radio and Television Administration (NRTA) held a symposium on the production of television series, with NRTA deputy director Zhu Yonglei reiterating previous guidance that media producers "firmly resist 'sissy man' aesthetics."[85] In a January 2023 report, the U.S.-based research group Internet Protocol Video Market found that Douyin, the Chinese version of TikTok, censors pro-LGBTQ viewpoints and prohibits "unhealthy and non-mainstream views on marriage and love," conforming with content guidelines mandated by the PRC government.[86]

Notes to Chapter 2—Civil Society

[1] For a discussion of LGBTQ groups' efforts to operate in the diminished "gray zone" for civil society in China by rebranding and refocusing, and by using China's courts to challenge discrimination against the LGBTQ community, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 84–87.

[2] Holly Snape, "Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State-Approved Social Organisations," *Made in China Journal* 6, no. 1 (January–April 2021): 55; Council on Foundations, "Nonprofit Law in China," updated August 2022, accessed September 12, 2023; Can Cui and Jie Wu, "Alternative to Civil Society Governance: Platform Control over the Third Sector in China," *Journal of Asian Public Policy* (August 25, 2022): 5; Emile Dirks and Diana Fu, "Governing 'Untrustworthy' Civil Society in China," *China Journal* 89, no. 1 (January 2023): 15. Social organizations must register with the Ministry of Civil Affairs in order to operate legally, register for charitable status, or raise funds, so groups that are unable to register will likely face difficulty operating and are vulnerable to legal sanctions. Furthermore, Emile Dirks and Diana Fu found that, in cases where they were able to determine the reason for a ban, failure to register was the most common reason for which authorities banned social organizations, rendering the organization "illegal" and subject to government crackdown.

[3] The Blue Book on Social Organizations is published yearly by the Social Sciences Academic Press (China), an imprint of the Chinese Academy of Social Sciences (CASS), and provides analysis of the sector over the previous year. Social Sciences Academic Press (China), "Guanyu women" [About us], accessed June 28, 2023; Social Sciences Academic Press (China), "Shehui zuzhi lanpishu—tushu" [Blue book on social organizations—library], accessed June 28, 2023.

[4] "Fabu: 'Zhongguo Shehui Zuzhi Baogao (2022)': Zongliang baochi zengzhang dan zengsu wei 2008 nian yilai zui di" [Released "China Social Organizations Report (2022)": Overall growth maintained, but rate of growth is the lowest since 2008], *NGO Watch,* China Development Brief, November 15, 2022.

[5] Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, secs. 3(1), 3(3); Shawn Shieh, "The 14th Five Year Plan for Social Organizations and the Future of Civil Society in China," *NGOs in China* (blog), January 4, 2022. For detailed coverage of the 14th Five-Year Plan for Social Organizations, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 79–81.

[6] Zhongguo Shehui Zuzhi Dongtai (@chinanpogov), "Minzhengbu zhaokai 2023 nian quanguo shehui zhuzhi dengji guanli gongzuo huiyi" [Ministry of Civil Affairs convenes 2023 Nationwide Conference on Social Organization Registration and Management Work], WeChat post, January 6, 2023, 4:18 a.m.; Ministry of Civil Affairs, "'Shisi Wu' Shehui Zuzhi Fazhan Guihua" ["14th Five-Year" Plan for the Development of Social Organizations], issued October 8, 2021, sec. 3(3). The concept of "optimiz[ing] distribution" is explained as balancing the number and type of organizations working in a region or on a particular issue area in section 3(3) of the 14th Five-Year Plan.

[7] Zhongguo Shehui Zuzhi Dongtai (@chinanpogov), "Minzhengbu zhaokai 2023 nian quanguo shehui zuzhi dengji guanli gongzuo huiyi" [Ministry of Civil Affairs convenes 2023 Nationwide Conference on Social Organization Registration and Management Work], WeChat post, January 6, 2023, 4:18 a.m.

[8] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he Guojia Jigou Gaige Fang'an" [Chinese Communist Party Central Committee and State Council release "Party and State Institutional Reform Plan"], *Xinhua,* March 16, 2023; Jane Cai, "China Seeks to Tighten Grip with New Social Work Department," *South China Morning Post,* March 17, 2023.

[9] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he Guojia Jigou Gaige Fang'an'" [Chinese Communist Party Central Committee and State Council release "Party and State Institutional Reform Plan"], *Xinhua,* March 16, 2023; Jane Cai, "China Seeks to Tighten Grip with New Social Work Department," *South China Morning Post,* March 17, 2023.

[10] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he Guojia Jigou Gaige Fangan'" [Chinese Communist Party Central Committee and State Council release "Party and State Institutional Reform Plan"], *Xinhua,* March 16, 2023; Jane Cai, "China Seeks to Tighten Grip with New Social Work Department," *South China Morning Post,* March 17, 2023.

[11] Jane Cai, "China Seeks to Tighten Grip with New Social Work Department," *South China Morning Post,* March 17, 2023.

[12] "Minzhengbu: Daji zhengzhi feifa shehui zuzhi zhuanxiang xingdong zhuanru changtaihua zhengzhi jucuo lidu bu jian, biaozhun bu jiang" [Ministry of Civil Affairs: The special operation to crackdown on and rectify illegal social organizations has been regularized; regulatory measures will not be weakened, standards will not be dropped], *People's Daily,* January 26, 2022. The initial campaign was laid out in the 2021 "Circular on eliminating the breeding grounds for illegal social organizations." Ministry of Civil Affairs, Central Commission for Discipline Inspection, Central Organization Department, et al., "Guanyu chanchu feifa shehui zuzhi zisheng turang jinghua shehui zuzhi shengtai kongjian de tongzhi" [Circular on eliminating the breeding grounds for illegal social organizations and cleansing the ecological space for social organizations], March 22, 2021; Holly Snape, "Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State-Approved Social Organisations," *Made in China Journal* 6, no. 1 (January–April 2021): 57—58. For prior coverage of the Circular, see Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 21, 2022), 231.

[13] "Minzhengbu: Daji zhengzhi feifa shehui zuzhi zhuanxiang xingdong zhuanru changtaihua zhengzhi jucuo lidu bu jian, biaozhun bu jiang" [Ministry of Civil Affairs: The special operation to crackdown on and rectify illegal social organizations has been regularized; regulatory measures will not be weakened, standards will not be dropped], *People's Daily,* January 26, 2022; Ministry of Civil Affairs, "Minzhengbu guanyu 'Shehui Tuanti Niandu Jiancha Banfa (zhengqiu yijian gao)' gongkai zhengqiu yijian de tongzhi" [Ministry of Civil Affairs circular on soliciting

public comment regarding the "Measures for the Annual Inspection of Social Groups (draft for the solicitation of public comment)"], issued November 11, 2022, art. 12(5).

[14] "Minzhengbu: Daji zhengzhi feifa shehui zuzhi zhuanxiang xingdong zhuanru changtaihua zhengzhi jucuo lidu bu jian, biaozhun bu jiang" [Ministry of Civil Affairs: The special operation to crackdown on and rectify illegal social organizations has been regularized; regulatory measures will not be weakened, standards will not be dropped], *People's Daily,* January 26, 2022; Ministry of Civil Affairs, "Minzhengbu guanyu 'Shehui Tuanti Niandu Jiancha Banfa (zhengqiu yijian gao)' gongkai zhengqiu yijian de tongzhi" [Ministry of Civil Affairs circular on soliciting public comment regarding the "Measures for the Annual Inspection of Social Groups (draft for the solicitation of public comment)"], issued November 11, 2022, art. 12(5); Holly Snape, "Cultivate Aridity and Deprive Them of Air: Altering the Approach to Non-State-Approved Social Organisations," *Made in China Journal* 6, no. 1 (January–April 2021): 55, 58.

[15] Emile Dirks and Diana Fu, "Governing 'Untrustworthy' Civil Society in China," *China Journal* 89, no. 1 (January 2023): 18.

[16] Emile Dirks and Diana Fu, "Governing 'Untrustworthy' Civil Society in China," *China Journal* 89, no. 1 (January 2023): 18–19.

[17] Emile Dirks and Diana Fu, "Governing 'Untrustworthy' Civil Society in China," *China Journal* 89, no. 1 (January 2023): 18–19.

[18] Emile Dirks and Diana Fu, "Governing 'Untrustworthy' Civil Society in China," *China Journal* 89, no. 1 (January 2023): 20–21.

[19] *Zhonghua Renmin Gongheguo Jingwai Feizhengfu Zuzhi Jingnei Huodong Guanli Fa* [PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China], passed April 28, 2016, effective January 1, 2017; Office of the U.N. High Commissioner for Human Rights, "China: Newly Adopted Foreign NGO Law Should Be Repealed, U.N. Experts Urge," May 3, 2016.

[20] Bertram Lang and Heike Holbig, "Civil Society Work in China: Trade-Offs and Opportunities for European NGOs," *GIGA Focus Asia,* German Institute for Global and Area Studies, 2018; Thomas Lum, "Human Rights in China and U.S. Policy: Issues for the 115th Congress," Congressional Research Service, updated July 17, 2017; Siodhbhra Parkin, "How China Regulates Foreign Non-Governmental Organizations," *ChinaFile,* Asia Society, August 27, 2019. Additionally, Parkin points out that this lack of clarity has resulted in foreign NGOs exercising an abundance of caution in their behavior.

[21] "The Major Questions about China's Foreign NGO Law Are Now Settled," China NGO Project, *ChinaFile,* Asia Society, August 8, 2022. In the post, the China NGO Project announced that it would be closing, since its mission had largely been to help explain and clarify the Foreign NGO Law. If, as they posited, any remaining ambiguity was by design, further explication would not be possible.

[22] Xiao Xue and Chen Xiaochun, "Guizhi zhili: Zai Hua jingwai fei zhengfu zuzhi de guizhi gaige tanxi" [Regulatory governance: An analysis of the regulatory reform of foreign nongovernmental organizations in China], *Zhongguo Fei Yingli Pinglun* [China Nonprofit Review] 29, no. 1 (September 2022), reposted on Institute for Philanthropy Tsinghua University WeChat, December 20, 2022; "The Major Questions about China's Foreign NGO Law Are Now Settled," China NGO Project, *ChinaFile,* Asia Society, August 8, 2022.

[23] Ford Foundation, "China in the World," accessed March 20, 2023; "Ford Foundation Representative on Supporting Disability Inclusion," trans. Bi Yidan, China Development Brief, January 17, 2023; World Vision China, "About Us: Work Areas," accessed April 30, 2023; Bill and Melinda Gates Foundation, "Our Work: China," accessed April 30, 2023; US-China Business Council, "About the US-China Business Council," accessed April 30, 2023; "The Major Questions about China's Foreign NGO Law Are Now Settled," China NGO Project, *ChinaFile,* Asia Society, August 8, 2022.

[24] For background on the PRC's promotion of social organizations engaged in charity and service provision work in key sectors, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 79–80. For more on past Party and government efforts to direct private philanthropy toward PRC development goals, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 84.

[25] Can Cui and Jie Wu, "Alternative to Civil Society Governance: Platform Control over the Third Sector in China," *Journal of Asian Public Policy* (August 25, 2022): 4, 5, 14.

[26] Can Cui and Jie Wu, "Alternative to Civil Society Governance: Platform Control over the Third Sector in China," *Journal of Asian Public Policy* (August 25, 2022): 4, 5, 14.

[27] China Philanthropy Research Institute, "2022 nian cishan shiye shi da jinzhan yu fazhan qushi" [Ten big advancements and development trends in charitable work in 2022], January 17, 2023; Can Cui and Jie Wu, "Alternative to Civil Society Governance: Platform Control over the Third Sector in China," *Journal of Asian Public Policy* (August 25, 2022): 10; Zeyi Yang, "Tencent Dominates Digital Donations in China. That's the Problem.," *Protocol,* September 15, 2021; "Charity—China Style," *Beijing Review,* June 1, 2023.

[28] Zeyi Yang, "Tenent Dominates Digital Donations in China. That's the Problem.," *Protocol,* September 15, 2021; Xinlu Liang, "Tencent's China Charity Drive Shows Poorest Provinces Have the Smallest Number of Groups Fundraising for Them," *South China Morning Post,* October 18, 2021.

[29] Dou Feitao, "99 Gongyi Ri shouguan: Tengxun gongyi jin liu cheng mukuan guanzhu xiangcun zhenxing" [99 Charity Day ends: Nearly 60 percent of Tencent charity fundraising focuses on rural revitalization], *Workers' Daily,* September 11, 2022.

[30] Genevieve Donnellon-May, "China's Push to Advance Rural Revitalization," *Diplomat,* February 12, 2022.

[31] Emily Feng, "How a Deadly Fire in Xinjiang Prompted Protests Unseen in China in Three Decades," *NPR,* November 28, 2022; Christian Shepherd and Lily Kuo, "Deadly Xinjiang Fire Stokes Discontent over China's Covid Restrictions," *Washington Post,* November 26, 2022; "Chi-

na's Covid-Zero Lockdown in Xinjiang Has Just Hit 100 Days," *Bloomberg,* November 16, 2022; "Harsh Lockdowns Have United the Chinese," *Economist,* December 1, 2022.

[32] Jia Ao, "Ten Years under Xi Jinping: The Chilling Effect on China's Civil Society Groups," trans. Luisetta Mudie, *Radio Free Asia,* October 14, 2022.

[33] Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023.

[34] Billy Perrigo, "Why a Blank Sheet of Paper Became a Protest Symbol in China," *Time,* December 1, 2022.

[35] Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023.

[36] Eduardo Baptista, "Dating Apps and Telegram: How China Protesters Are Defying Authorities," *Reuters,* November 29, 2022.

[37] Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023.

[38] Verna Yu, "'We Just Want to Live in a Normal World': China's Young Protesters Speak Out, and Disappear," *Guardian,* February 7, 2023; Vivian Wang, "A Protest? A Vigil? In Beijing, Anxious Crowds Are Unsure How Far to Go," *New York Times,* November 28, 2022.

[39] Eduardo Baptista, "Dating Apps and Telegram: How China Protesters Are Defying Authorities," *Reuters,* November 29, 2022; Vivian Wang, "A Protest? A Vigil? In Beijing, Anxious Crowds Are Unsure How Far to Go," *New York Times,* November 28, 2022.

[40] Nathan Ruser (@Nrg8000), "From Monday to Thursday this week, our China protest monitor tracked 9 new protests against strict COVID-measures . . . " *Twitter,* December 9, 2022, 7:01 a.m.; Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023; Keith Bradsher, Chang Che, and Amy Chang Chien, "China Eases 'Zero Covid' Restrictions in Victory for Protesters," *New York Times,* December 7, 2022; Kathy Huang and Mengyu Han, "Did China's Street Protests End Harsh COVID Policies?," *Asia Unbound* (blog), Council on Foreign Relations, December 14, 2022.

[41] Emily Feng, "China's Authorities Are Quietly Rounding Up People Who Protested against COVID Rules," *NPR,* January 11, 2023; Zeyi Yang, "How Telegram Groups Can Be Used by Police to Find Protesters," *MIT Technology Review,* February 8, 2023; Vivian Wang, "A Protest? A Vigil? In Beijing, Anxious Crowds Are Unsure How Far to Go," *New York Times,* November 28, 2022.

[42] Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023; "A Group of Friends Attended a Vigil in Beijing. Then One by One, They Disappeared," *CNN,* January 23, 2023.

[43] Emily Feng, "China's Authorities Are Quietly Rounding Up People Who Protested against COVID Rules," *NPR,* January 11, 2023. This has also been asserted by several other sources, including a Beijing-based activist quoted by the Wall Street Journal. Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023; "A Group of Friends Attended a Vigil in Beijing. Then One by One, They Disappeared," *CNN,* January 23, 2023.

[44] Vivian Wang, "China Sentences Leading Rights Activists to 14 and 12 Years in Prison," *New York Times,* April 10, 2023. For more information, see the Commission's Political Prisoner Database records 2005-00199 on Xu Zhiyong and 2013-00307 on Ding Jiaxi.

[45] Vivian Wang, "China Sentences Leading Rights Activists to 14 and 12 Years in Prison," *New York Times,* April 10, 2023; Eva Pils, "From Independent Lawyer Groups to Civic Opposition: The Case of China's New Citizen Movement," *Asian-Pacific Law & Policy Journal* 19, no. 1 (2017): 132–36.

[46] Christian Shepherd, "China Jails Human Rights Activists for Years over Private Gathering," *Washington Post,* April 10, 2023; Christian Shepherd, "They Wanted Rule of Law, So China Tried Them in Secret," *Washington Post,* June 24, 2022; Mimi Lau and Guo Rui, "Chinese Rights Advocate Xu Zhiyong on Trial for State Subversion amid Secrecy and Tight Security," *South China Morning Post,* June 23, 2022.

[47] Vivian Wang, "China Sentences Leading Rights Activists to 14 and 12 Years in Prison," *New York Times,* April 10, 2023; Keith Zhai and Sha Hua, "China Sentences Human-Rights Activists to Prison for Subversion," *Wall Street Journal,* April 10, 2023; Office of the U.N. High Commissioner for Human Rights, "Comment by U.N. Human Rights Chief Volker TUrk on Sentencing of Human Rights Defenders in China," April 10, 2023; Helen Davidson, Amy Hawkins, and Verna Yu, "Outcry over Lengthy Jail Terms Handed to China Human Rights Lawyers," *Guardian,* April 11, 2023.

[48] Keith Zhai and Sha Hua, "China Sentences Human-Rights Activists to Prison for Subversion," *Wall Street Journal,* April 10, 2023.

[49] Xu Zhiyong, "'A Democratic China Must Be Realized in Our Time, We Cannot Saddle the Next Generation with This Duty'–Xu Zhiyong's Court Statement," trans. China Change editors, *China Change,* April 9, 2023.

[50] Ding Jiaxi, "Authoritarianism Shall Perish—Ding Jiaxi's Court Statement," trans. China Change editors, *China Change,* April 9, 2023.

[51] Rights Defense Network, "'Bai Zhi kangyi yundong' zhong zai Beijing zao jubu renyuan zuijin qingkuang tongbao: (2023 nian 1 yue 20 ri)—Shi yu ren bei qubao huoshi, jiu ren bei pibu" [Latest situation bulletin on those detained as part of the Beijing "White Paper protests": (January 20, 2023)—Ten people released on bail, nine people approved for arrest], January 20, 2023; Chinese Human Rights Defenders, "Cao Zhixin," March 24, 2023; Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023; Shen Lu, "Chinese Protesters Released after Four Months in Jail," *Wall Street Journal,* April 19, 2023. For more information, see the Commission's Political Prisoner Database records 2023-00035 on Li Yuanjing, 2023-00036 on Li Siqi, 2023-00037 on Zhai Dengrui, and 2023-00033 on Cao Zhixin.

[52] Rights Defense Network, "'Bai Zhi kangyi yundong' zhong zai Beijing zao jubu renyuan zuijin qingkuang tongbao: (2023 nian 1 yue 20 ri)—Shi yu ren bei qubao huoshi, jiu ren bei pibu" [Latest situation bulletin on those detained as part of the Beijing "White Paper protests": (January 20, 2023)—Ten people released on bail, nine people approved for arrest], January 20, 2023; Chinese Human Rights Defenders, "Cao Zhixin," March 24, 2023; Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023; Shen Lu, "Chinese Protesters Released after Four Months in Jail," *Wall Street Journal,* April 19, 2023. For more information, see the Commission's Political Prisoner Database records 2023-00035 on Li Yuanjing, 2023-00036 on Li Siqi, 2023-00037 on Zhai Dengrui, and 2023-00033 on Cao Zhixin.

[53] Gao Zhensai, ChinaAid Association, "Kuaixun: Jilin Changchun 'Yangguang zhi Jia' Guizheng Jiaohui bei zhengshi qudi" [Breaking news: Changchun, Jilin "Sunshine House" Reformed Church was officially banned], September 16, 2022.

[54] Yu Bing, ChinaAid Association, "Shanxi Linfen Shengyue Jiayuan Jiaohui ji Asilan Xuetang bei qudi" [Shanxi Linfen Covenant House Church and Aslan School shut down], November 20, 2022.

[55] Yu Bing, ChinaAid Association "Xi'an Fengsheng Jiaohui bei zhengshi qudi" [Xi'an Church of Abundance was officially banned], August 21, 2022.

[56] Rights Defense Network, "Yin zhichi Wuhan tuixiu lao ren kangyi yigai de 'baifa yundong' Wuhan xinguan feiyan nan shu, weiquan renshi Zhang Hai yijing bei pibu" [Rights defender and Wuhan COVID–19 surviving family member Zhang Hai has been detained for supporting Wuhan retirees' "White Hair Movement" health insurance reform protests], April 1, 2023. For more information on Zhang Hai, see the Commission's Political Prisoner Database record 2023-00068.

[57] Rights Defense Network, "Zhuming renquan lushi Chang Weiping jin bei Zhonggong dangju yi dianfu guojia zhengquan zui panchu youqi tuxing 3 nian 6 ge yue" [Famous human rights lawyer Chang Weiping was sentenced today by Chinese Communist Party authorities to 3 years and 6 months in prison for the crime of subversion of state power], June 8, 2023. For more information on Chang Weiping, see the Commission's Political Prisoner Database record 2020-00014.

[58] Rights Defense Network, "Zhuming renquan lushi Chang Weiping jin bei Zhonggong dangju yi dianfu guojia zhengquan zui panchu youqi tuxing 3 nian 6 ge yue" [Famous human rights lawyer Chang Weiping was sentenced today by Chinese Communist Party authorities to 3 years and 6 months in prison for the crime of subversion of state power], June 8, 2023.

[59] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2022—China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023, 76; Human Rights Watch, "China," in *World Report 2023: Events of 2022,* 2023; Chinese Human Rights Defenders, "Closure of LGBT NGO Signals Disappearing Civic Space in China," May 22, 2023; James Palmer, "LGBTQ Spaces Are Shrinking in China," *Foreign Policy,* May 16, 2023; Zhijun Hu, "'Don't Say Gay' Is Happening in China Too. But It Can't Turn Back the Clock," *Diplomat,* December 3, 2022; Larissa Gao, Carina Cheng, Oliver Hu, and Brigitte Pu, "For China's LGBTQ Community, Safe Spaces Are Becoming Harder to Find," *NBC,* June 13, 2023. For background on past censorship and suppression of the LGBTQ community in China, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 84–87; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 21, 2022), 235–37; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 259–60.

[60] United Nations Office in Geneva, "5th Meeting, 73rd Session, Committee on Economic, Social and Cultural Rights (CESCR)" [Video file], U.N. Web TV, February 15, 2023, 1:06:13, 1:17:02; U.N. Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, Third Periodic Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant—China, Replies of China to the List of Issues in Relation to Its Third Periodic Report, E/C.12/CHN/RQ/3, May 11, 2022, para. 12; Nathan Wei, "China's U.N. Statements about LGBTQ Issues Don't Match the Government's Policies at Home," *China Project,* March 1, 2023; "China Response to Same-Sex Marriage Request in the U.N., *Rainbow Awards,* accessed March 9, 2023. For past examples of PRC representatives' statements in U.N. forums seemingly expressing support for LGBTQ rights, see, e.g., Darius Longarino, "Precarious Progress: Advocacy for the Human Rights of LGBT People in China," OutRight Action International, December 16, 2020, 7–8.

[61] United Nations Office in Geneva, "5th Meeting, 73rd Session, Committee on Economic, Social and Cultural Rights (CESCR)" [Video file], U.N. Web TV, February 15, 2023, 1:06:13, 1:17:02; U.N. Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, Third Periodic Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant—China, E/C.12/CHN/RQ/3, May 11, 2022, para. 12; Nathan Wei, "China's U.N. Statements about LGBTQ Issues Don't Match the Government's Policies at Home," *China Project,* March 1, 2023; "China Response to Same-Sex Marriage Request in the U.N.," *Rainbow Awards,* accessed March 9, 2023.

[62] United Nations Office in Geneva, "1978th Meeting, 85th Session, Committee on the Elimination of Discrimination against Women (CEDAW)" [Video file], U.N. Web TV, May 12, 2023, 2:07:32; U.N. Committee on the Elimination of Discrimination Against Women, Replies of China to the list of issues and questions in relation to its ninth periodic report, CEDAW/C/CHN/RQ/9, March 9, 2023; U.N. Committee on the Elimination of Discrimination Against Women, Ninth Periodic Reports Submitted by States Parties Under Articles 18 of the Convention-China, CEDAW/C/CHN/9, December 16, 2020; "Positive and Cliched: How the Chinese Government Responded to LBT Issues During Its CEDAW Review," *Rainbow Awards,* accessed May 28, 2023.

[63] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2022—China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023, 76; Yulian Lu, "Domestic Violence among LGBT+People in China: Results from a National Court Rulings Review," *Journal of Family Violence,* September 11, 2023.

[64] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "Country Reports on Human Rights Practices for 2022—China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023, 76. See also Nathan Wei, "China's U.N. Statements about LGBTQ Issues Don't Match the Government's Policies at Home," *China Project,* March 1, 2023; Human Rights Watch, "China," in *World Report 2023: Events of 2022,* 2023; "The Struggle for LGBTQ Labor Rights in China: How a Gay Flight Attendant's Lost Discrimination Suit," *Rainbow Awards,* accessed May 29, 2023; Darius Longarino and Yanhui Peng, "What a Gay Flight Attendant's Lost Discrimination Case Says about LGBTQ Rights in China," *Diplomat,* January 24, 2023. For background discussion of social and legal discrimination against the LGBTQ community in China and lack of relevant legal protections, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 84–87; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 21, 2023), 235–37; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 259–60.

[65] Nathan Wei, "China's U.N. Statements about LGBTQ Issues Don't Match the Government's Policies at Home," *China Project,* March 1, 2023; Human Rights Watch, "China," in *World Report 2023: Events of 2022,* 2023; U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review–China, A/HRC/40/6 26, December 26, 2018; U.N. Human Rights Council, Report of the Working Group on the Universal Periodic Review–China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.90). When asked by the Committee on Economic, Social and Cultural Rights to "indicate any concrete steps taken to adopt comprehensive anti-discrimination legislation or to review the existing anti-discrimination laws" and to "provide information on the measures taken, and their effectiveness, to combat the widespread social stigma and discrimination against disadvantaged and marginalized individuals and groups, including . . . lesbian, gay, bisexual, transgender and intersex persons" the PRC responded that "Popularization of and education on science are being carried out to promote a correct understanding of sex and gender and appropriate treatment of sexual minorities and to eliminate discrimination among the public." U.N. Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, Third Periodic Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant–China, E/C.12/CHN/RQ/3, May 11, 2022, para. 12;

[66] David Rennie and Alice Su, "Why Are China's LGBT Support Groups Closing Down?," May 30, 3023, in Drumtower, podcast, *Economist,* 16:50.

[67] A range of views exist regarding social acceptance of LGBTQ persons in China, based on reporting, government policy, and public polling over the past ten years. Multiple sources assess that social acceptance seemed to have been growing, while acknowledging ongoing challenges and government repression. See, e.g., James Palmer, "LGBTQ Spaces Are Shrinking in China," *Foreign Policy,* May 16, 2023; "China's LGBTQ+ Community Seize Census Chance to Stand Up and Be Counted," *Guardian,* November 26, 2020; Zhijun Hu, "'Don't Say Gay' Is Happening in China Too. But It Can't Turn Back the Clock," *Diplomat,* December 3, 2022; "Gay Culture Gains Increasing Acceptance in China," *Times of India,* December 8, 2014.

[68] "'Ah Qiang' Zhijun Hu, Fellow," People, Carr Center for Human Rights Policy, Harvard Kennedy School, accessed September 6, 2023; A Qiang, "A Qiang tongzhi: Jiang tongxinglian shuo cheng 'shenghuo Xihua,' rang ren bu'an!" [Comrade A Qiang: Description of homosexuality as "Westernized lifestyle" is disturbing], *China Digital Times,* March 15, 2023. It is unclear the extent to which growing state disapproval has affected social acceptance. In its 2022 report, the CECC concluded that, while societal attitudes in China toward some LGBTQ issues are trending toward more acceptance, reporting indicates a decline in government and institutional support of LGBTQ organizations and rights. Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 84.

[69] A Qiang, "A Qiang tongzhi: Jiang tongxinglian shuo cheng 'shenghuo Xihua,' rang ren bu'an!" [Comrade A Qiang: Description of homosexuality as "Westernized lifestyle" is disturbing], *China Digital Times,* March 15, 2023; "How Nationalism Is Making Life Harder for Gay People in China," *Economist,* July 17, 2021; Tim Culpan, "China's Crackdown Has a Straight Eye for the Queer Guy," *Bloomberg,* September 18, 2021.

[70] "How Nationalism Is Making Life Harder for Gay People in China," *Economist,* July 17, 2021; James Palmer, "LGBTQ Spaces Are Shrinking in China," *Foreign Policy,* May 16, 2023; Tim Culpan, "China's Crackdown Has a Straight Eye for the Queer Guy," *Bloomberg,* September 18, 2021.

[71] Beijing LGBT Center (@Beitong2021), "Ting yun gonggao" [Closure announcement], WeChat post, May 15, 2023; James Palmer, "LGBTQ Spaces Are Shrinking in China," *Foreign Policy,* May 16, 2023; Larissa Gao, Carina Cheng, Oliver Hu, and Brigitte Pu, "For China's LGBTQ Community, Safe Spaces Are Becoming Harder to Find," *NBC,* June 13, 2023; Huizhong Wu, "Beijing LGBT Center Shuttered as Crackdown Grows in China," *Associated Press,* May 16, 2023; Chinese Human Rights Defenders, "Closure of LGBT NGO Signals Disappearing Civic Space in China," May 22, 2023; Zhao Yuanyuan, "Beijing LGBT Center Shutters after 15 Years, Citing Uncontrollable Factors," *China Project,* May 16, 2023.

[72] James Palmer, "LGBTQ Spaces Are Shrinking in China," *Foreign Policy,* May 16, 2023.

[73] James Palmer, "LGBTQ Spaces Are Shrinking in China," *Foreign Policy,* May 16, 2023.

[74] Jinghua Qian (@qianjinghua), "Beijing LGBT+ Center is absolutely pivotal to queer advocacy and social welfare in China and it was basically the last major, long-running organisation . . .," Twitter, May 15, 2023, 9:57 a.m.

[75] William Yang, "Beijing Tongzhi Zhongxin xuanbu ting yun Zhongguo LGBTQ yundong hequ hecong?" [Beijing LGBTQ Center announces closure, where does China's LGBTQ movement go from here?], *Deutsche Welle,* May 16, 2023; Chinese Human Rights Defenders, "Closure of LGBT NGO Signals Disappearing Civic Space in China," May 22, 2023.

[76] William Yang, "Beijing Tongzhi Zhongxin xuanbu ting yun Zhongguo LGBTQ yundong hequ hecong?" [Beijing LGBTQ Center announces closure, where does China's LGBTQ movement go

from here?], *Deutsche Welle,* May 16, 2023; Chinese Human Rights Defenders, "Closure of LGBT NGO Signals Disappearing Civic Space in China," May 22, 2023.

[77] ShanghaiPRIDE, "The End of the Rainbow," August 13, 2020; Steven Jiang, "'End of the Rainbow': Shanghai Pride Shuts Down amid Shrinking Space for China's LGBTQ Community," *CNN,* August 16, 2020; Huizhong Wu, "China LGBT Rights Group Shuts Down amid Hostile Environment," *Associated Press,* November 5, 2021; Huizhong Wu, "Beijing LGBT Center Shuttered as Crackdown Grows in China," *Associated Press,* May 16, 2023. Other groups to have closed include Shanghai PRIDE, which ceased all operations in 2020, and LGBT Rights Advocacy China, a national legal advocacy NGO, which shut down in 2021 due to government pressure.

[78] Stephanie Yingyi Wang, "Fare Thee Well Beijing LGBT Centre," *Made in China Journal,* June 8, 2023; Zhao Yuanyuan, "Beijing LGBT Center Shutters after 15 Years, Citing Uncontrollable Factors," *China Project,* May 16, 2023; Larissa Gao, Carina Cheng, Oliver Hu, and Brigitte Pu, "For China's LGBTQ Community, Safe Spaces Are Becoming Harder to Find," *NBC,* June 13, 2023.

[79] Darius Longarino and Yanhui Peng, "What a Gay Flight Attendant's Lost Discrimination Case Says about LGBTQ Rights in China," *Diplomat,* January 24, 2023; Tongyu (@tongyu2005-ii), "Rang falü kanjian duoyuan xingbie: Zhongguo duoyuan xingbie quanyi dashi ji (shang)" [Let the law see gender diversity: Major events in gender diversity rights in China in 2022 (part 1)], WeChat post, January 17, 2023.

[80] Darius Longarino and Yanhui Peng, "What a Gay Flight Attendant's Lost Discrimination Case Says about LGBTQ Rights in China," *Diplomat,* January 24, 2023; Tongyu (@tongyu2005-ii), "Rang falü kanjian duoyuan xingbie: Zhongguo duoyuan xingbie quanyi dashi ji (shang)" [Let the law see gender diversity: Major events in gender diversity rights in China in 2022 (part 1)], WeChat post, January 17, 2023.

[81] Darius Longarino and Yanhui Peng, "What a Gay Flight Attendant's Lost Discrimination Case Says about LGBTQ Rights in China," *Diplomat,* January 24, 2023; Tongyu (@tongyu2005-ii), "Rang falü kanjian duoyuan xingbie: 2022 Zhongguo duoyuan xingbie quanyi dashi ji (shang)" [Let the law see gender diversity: Major events in gender diversity rights in China in 2022 (part 1)], WeChat post, January 17, 2023.

[82] Ding Yuan and Darius Longarino, "2 College Students in China Were Disciplined for Giving Out Pride Flags. Can the Law Help Them?," *Diplomat,* April 28, 2023.

[83] Ding Yuan and Darius Longarino, "2 College Students in China Were Disciplined for Giving Out Pride Flags. Can the Law Help Them?," *Diplomat,* April 28, 2023.

[84] Ding Yuan and Darius Longarino, "2 College Students in China Were Disciplined for Giving Out Pride Flags. Can the Law Help Them?," *Diplomat,* April 28, 2023.

[85] Tongyu (@tongyu2005-ii), "Mei yi ge shengyin dou yinggai bei tingjian: 2022 Zhongguo duoyuan xingbie quanyi dashi ji (xia)" [Every voice should be heard: Major events in gender diversity rights in China in 2022 (part 2)], WeChat post, January 28, 2023; Zhijun Hu, "'Don't Say Gay' Is Happening in China Too. But It Can't Turn Back the Clock," *Diplomat,* December 3, 2022.

[86] Allison Hung and Charles Rollet, "Douyin Bans Pro-LGBT Content," *IPVM,* January 3, 2023.

FREEDOM OF RELIGION

Findings

- During the 2023 reporting year, the Commission observed ongoing violations of religious freedom by the Chinese Communist Party and government, aimed at increasing state control of believers in both registered and unregistered religious communities.
- The Party and government took steps to implement measures pertaining to religion passed over the last several years, including measures regulating finances, venues, online activity, and religious clergy.
- Authorities required religious groups affiliated with Party-controlled religious associations to participate in educational and ceremonial events surrounding the 20th National Congress of the Chinese Communist Party, designed to reinforce "sinicization" among religious bodies.
- The Party and government sought to closely monitor and regulate Taoist and Buddhist groups, ensuring their adherence to the Party line and national agenda. In one instance, authorities used a controversial incident at a Buddhist temple to crack down on religious venues nationwide.
- National Religious Affairs Administration authorities launched searchable databases of approved Buddhist, Taoist, Muslim, Protestant, and Catholic clergy.
- PRC authorities continued to control and forcibly assimilate Hui Muslims throughout the country. According to a joint report released by two nongovernmental organizations, authorities have used counterterrorism policies instituted in Xinjiang to bar a range of Muslim practices, imposed "sinicization" to eradicate distinct ethnic and religious characteristics, and have "scattered" and relocated Hui communities under the rubric of Xi Jinping's "poverty alleviation" campaign.
- The Chinese Communist Party and government have continued their efforts to assert control over Catholic leadership, community life, and religious practice, installing two bishops in contravention of the 2018 Sino-Vatican agreement and accelerating the integration of the church in Hong Kong with the PRC-based, state-sponsored Catholic Patriotic Association and its Party-directed ideology.
- PRC authorities continued to violate the religious freedom of Protestants, engaging in pressure campaigns against unregistered churches by detaining church leaders and targeting several influential "house" church networks, renewing their campaign against Chengdu municipality, Sichuan province's Early Rain Covenant Church.
- Chinese authorities continued to prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law." In December 2022, Falun Gong practitioner and radio host Pang Xun died after authorities tortured him while in custody.
- The Party's Anti-Cult Association updated their list of *xiejiao* (a historical term usually translated as "evil cults" or "heretical

teachings"), a tool it uses to rank groups according to threat level and communicate its enforcement priorities.

Recommendations

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

- Call on the Chinese government to guarantee freedom of religion to all citizens in accordance with its international human rights obligations. Stress to PRC authorities that freedom of religion includes the right to freely adopt beliefs and practice one's religion without government interference.
- Call for the release of religious leaders and practitioners whom Chinese authorities confined, detained, or imprisoned for peacefully pursuing their religious beliefs, including lay Buddhist **Wu Aping;** Muslim imam **Ma Zichang;** Catholic bishop **Augustine Cui Tai;** Protestant pastors **Lian Changnian, Li Jie,** and **Han Xiaodong;** and Falun Gong practitioners **Zhou Deyong** and **Peng Shuming,** as well as those confined, detained, or imprisoned in connection with their association with those citizens. The Administration should use existing laws to hold accountable Chinese government officials and others complicit in severe religious freedom restrictions, including the sanctions available in the Global Magnitsky Human Rights Accountability Act (Public Law No. 114-328) and the International Religious Freedom Act of 1998 (Public Law No. 105-292). Ensure that conditions related to religious freedom are considered when negotiating trade agreements.
- Call on the Chinese government to fully implement accepted recommendations from the November 2018 session of the U.N. Human Rights Council's Universal Periodic Review, including: taking necessary measures to ensure that the rights to freedom of religion and to religious culture and expression are fully observed and protected; cooperating with the U.N. human rights system, specifically U.N. special procedures mandate holders; taking steps to ensure that lawyers working to advance religious rights can practice their profession freely and promptly investigating allegations of violence and intimidation impeding their work; and considering possible revisions to legislation and administrative rules to provide better protection of freedom of religion.
- Call on the Chinese government to repeal Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law" and Article 27 of the PRC Public Security Administration Punishment Law, which provides for detention or fines for organizing or inciting others to engage in "cult activities" and for using a "cult" or the "guise of religion" to "disturb social order" or to harm others' health.

FREEDOM OF RELIGION

Introduction

During the 2023 reporting year, the Commission observed ongoing violations of religious freedom by the Chinese Communist Party and government, aimed at increasing control of believers in both registered and unregistered communities.[1] Authorities implemented a series of measures issued over the past several years, targeting the finances, funding structures, leadership, use of venues, online activities and content, and doctrinal autonomy of religious institutions.[2] The Party and government also used the occasion of the 20th National Congress of the Chinese Communist Party to ensure ideological conformity of religious groups with the policy of "sinicization" (*zhongguohua*), defined by Xi Jinping in his speech at the 20th Party Congress as "actively guid[ing] religion to adapt to socialist society."[3] Religious practitioners, communities, and institutions faced increased surveillance as the National Religious Affairs Administration (NRAA) rolled out several major digital oversight and enforcement initiatives.

International and Chinese Law on Religious Freedom

Both Chinese and international law guarantee religious freedom. Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religions—which cannot be restricted—and the right to outwardly manifest those beliefs, which can be limited by certain justifications.[4] These principles are codified in various international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR).[5] Article 36 of China's Constitution guarantees citizens "freedom of religious belief" and protection for "normal religious activities."[6] However, by leaving terms such as "normal" undefined, China's Constitution fails to protect the same range of beliefs and outward manifestations as is recognized under international law.[7] Nevertheless, China's Constitution and other legal provisions[8] align with the ICCPR in prohibiting discrimination based on religion[9] and loosely parallel the ICCPR's prohibition on coercion[10] by forbidding groups or individuals from compelling citizens to believe or not believe in any religion.[11] China's Constitution prohibits "making use of religion to engage in activities that disrupt social order, impair the health of citizens, or interfere with the educational system of the State."[12]

Regulations and Policies Pertaining to Religious Freedom

Since 2022, the Party and government have taken steps to draft and implement measures pertaining to religion, bolstering their control over religious believers in both registered and unregistered communities. These include:

- **Measures for the Financial Management of Venues for Religious Activities (2022).**[13] These measures bring religious venues' finances more directly under the joint oversight of the Ministry of Finance and the NRAA.[14] They require that venues provide all donors with a numbered receipt issued by the pro-

vincial religious affairs bureau.[15] According to one pastor, this allows the state to more closely supervise foreign donations and further weakens the independence of local, government-affiliated churches, which previously enjoyed some level of financial autonomy.[16]

• **Measures for the Administration of Internet Religious Information Services (2022).**[17] In July 2022, provincial authorities in multiple provinces reported holding trainings for the implementation of the measures.[18] In Guangdong province, authorities announced that hundreds of candidates had qualified as auditors and would be tasked with monitoring and licensing religious content in accordance with the measures.[19] Providers of online religious content and internet users attempting to access such content or to openly discuss religion reported reduced freedom to operate in light of the measures.[20] In one instance, the China-based Catholic mobile application CathAssist announced that it would be shutting down operations indefinitely after repeatedly attempting to procure a license under the new requirements.[21] Several religious websites in China reported censorship of certain religious words on WeChat, including the words "Christ," "church," and "Bible."[22]

• **Measures for the Administration of Religious Personnel (2021).**[23] In February 2023, the NRAA rolled out a database of "approved" Buddhist and Taoist clergy, in a first step toward developing similar databases for all religious groups in compliance with the Measures for the Administration of Religious Personnel (2021).[24] In May 2023, the NRAA announced the rollout of databases for Muslim, Protestant, and Catholic clergy.[25]

• **Measures for the Management of Venues for Religious Activities.** In March 2023, the NRAA released a draft for comment of new measures governing sites for religious activity that would heavily regulate the use, funding, personnel, accepted activities, and other aspects of religious sites, in effect covering "all aspects" of religious life, according to one advocacy group.[26] When adopted, they will replace the 2005 measures by the same name.[27] The draft version of the new measures includes additional ideological content and ideological requirements for religious sites, including a requirement that sites establish an education system and regularly organize study sessions for personnel on Party guidelines, PRC law, and Chinese traditional culture, among other topics.[28]

Sinicization of Religious Groups and the 20th Party Congress

During the Commission's 2023 reporting year, Chinese Communist Party authorities required religious groups affiliated with Party-controlled religious associations to participate in educational and ceremonial events surrounding the 20th Party Congress that were designed to reinforce "sinicization" among religious bodies. Taoist and Buddhist state-affiliated institutions held trainings to study the "spirit of the 20th Party Congress," and official Islamic and Protestant religious communities organized joint viewings of the event.[29] Religious associations also produced reports for the 20th Party Congress, with the chairman of the Three-Self Patriotic Movement—the organization governing Protestant churches in China—publishing a lengthy article on the status of the "sinicization" of religion in China and announcing the formulation of a new Five-Year Plan for the sinicization of Christianity.[30] Members of unregistered and sensitive religious groups faced increased repression during the lead-up to the 20th Party Congress.[31] According to Radio Free Asia and ChinaAid Association, in the months preceding the Congress, authorities escalated "stability maintenance" efforts, for example harassing clergy and members of Shouwang Church in Beijing municipality and Early Rain Covenant Church in Chengdu municipality, Sichuan province.[32]

Buddhism (Non-Tibetan) and Taoism

The Chinese Communist Party and government's relationship with Buddhist and Taoist groups has continued to reflect the tension between appropriation of these groups by PRC leadership and coercive control,[33] both of which infringe on the ability of these religious groups to exercise their freedom of religion in accordance with international standards.[34] Consistent with the Party and central government's "sinicization" policy, PRC officials have embraced Taoist and Buddhist groups that are perceived as serving the Party's agenda, closely regulating them to ensure they continue to do so.[35] To this end, in February 2023, Xinhua reported that the Buddhist Association of China (BCA) and the Taoist Association of China had launched a searchable online database of Buddhist and Taoist religious personnel indicating who is permitted to participate in state-sanctioned religious activities, citing concerns about "fraud."[36] One Buddhist monk said that, because he did not appear in the database, he would not be able to register with a temple or participate in any religious activities.[37]

PRC authorities have also continued to seek closer alignment of Buddhist and Taoist religious identity with the Party and government's conception of China's national identity, emphasizing the Chinese character of these faiths and guarding against "outside influence." Consequently, the Party and government have closely circumscribed the "eastward movement" of Tibetan Buddhism outside of the Tibet Autonomous Region and Tibetan areas, limiting the number of Han Chinese Buddhists studying at Tibetan Buddhist institutions and largely prohibiting Tibetan Buddhists from preaching outside of Tibetan areas.[38] In Yunfu municipality, Guangdong province, local BCA officials issued a notice calling on all Buddhist temples, institutions, and religious sites to "resolutely resist" the

"illegal" preaching of Tibetan monks.[39] According to the notice, the unauthorized spread of Tibetan Buddhism outside of Tibetan areas poses a threat to believers, families, property, and "social harmony" and impedes the growth of non-Tibetan schools of Buddhism in the region.[40] [For information on religious freedom for Tibetan Buddhists, see Chapter 17—Tibet.]

In an apparent effort to maintain the patriotic integrity of Chinese Buddhism and respond to public outcry, public security officers in Xuanwu district, Nanjing municipality, Jiangsu province, raided Nanjing's Xuanzang Temple after reports emerged on social media that the temple housed memorial tablets dedicated to five Japanese war criminals and an American missionary known for protecting Chinese refugees in the city during the Japanese occupation.[41] Following the raid, Xuanwu public security officials criminally detained lay Buddhist **Wu Aping,** who paid for the tablets in an attempt to "resolve grievances" and "relieve suffering," according to her televised confession.[42] Following the incident, the BCA and the National Religious Affairs Administration launched a nationwide campaign to "rectify" Buddhist temples, requiring that Buddhist institutions cultivate the "correct" perspective on national security, history, culture, national identity, and religion, with "zero tolerance of any behavior jeopardizing national interests and hurting national feelings," leading some observers to posit that the incident is being used as a pretext for tightening ideological oversight of Buddhism at the national level.[43]

Islam

This past year, PRC authorities continued to exert control over and forcibly assimilate Hui Muslims throughout the country.[44] According to a joint report by Chinese Human Rights Defenders (CHRD) and Hope Umbrella International Foundation (HUIF) released in March 2023, the Chinese Communist Party and government have taken a three-pronged approach to targeting the Hui Muslim minority group: using counterterrorism policies instituted under the "strike hard" campaign in the Xinjiang Uyghur Autonomous Region to bar and sanction a range of Muslim religious practices; imposing "sinicization" policies to eliminate expressions of cultural and religious distinctiveness and promote assimilation; and using the pretext of Xi Jinping's flagship "poverty alleviation" program to "scatter" and "relocate" Hui communities through mass resettlement projects.[45] These resettlement projects—many of which originated prior to Xi but have since been adopted as "poverty alleviation"—have disproportionately targeted Hui Muslims throughout the country.[46] For example, since 1983, authorities in the Ningxia Hui Autonomous Region have used an "ecological migration" program to relocate Hui Muslims, often to other minority areas, supposedly for purposes of environmental protection, poverty alleviation, and "ethnic unity," though scholars have maintained that the stated objectives are cover for "dispersing and dislocating ethnic minority groups."[47] As recently as 2020, government-led "labor transfer" programs have targeted Hui Muslims by recruiting them for job opportunities in outside regions and provinces, sometimes citing explicitly political reasons, such as "social stability" and national unity.[48] CHRD and HUIF have also reported that Hui

Muslim participants in government-led labor transfer programs have been unable to practice their religion due to lack of religious accommodations in areas where they have been relocated.[49]

The Commission also observed the continued demolition of "Arab-style" domes and minarets on mosques, in one case leading to large-scale protests:[50]

- In August 2022, authorities in Fangshan district, Beijing municipality, began "rectification" of Doudian Mosque, built in 2013 and the largest in northern China, to remove Arabic language and elements of "Arab style" from the mosque's building.[51] One Beijing-based scholar of religion, Xi Wuyi, described the decision to "sinicize" Doudian Mosque as symbolically significant, because it demonstrates "the capital persisting in the orderly advancement of the sinicization of religion in China."[52]
- Authorities in Zhaotong municipality, Yunnan province, also began "rectification" work on Zhaotong East Mosque, according to photographs provided to Bitter Winter, an online magazine that reports primarily on religious repression in China, and published in September 2022.[53] Zhaotong municipality has been the site of previous demolitions: according to religious freedom organization Christian Solidarity Worldwide, only three out of more than 100 local mosques retained their domes and minarets, as officials had removed them from nearly all of the mosques there.[54]
- In May 2023, authorities in Nagu township, Tonghai county, Yuxi municipality, Yunnan, attempted to "sinicize" the historic Najiaying Mosque, by removing its "Arab-style" dome and minarets.[55] According to witness reports, thousands of residents of the majority-Muslim township gathered at the mosque to protest the removals after construction cranes were seen entering the mosque's courtyard.[56] Authorities also deployed hundreds of police in riot gear and a People's Liberation Army unit to the site.[57] When police forcibly prevented residents from entering the mosque for noontime prayer, several protesters reportedly threw bricks and bottles at them.[58] One local source told CNN that authorities detained dozens of protesters.[59] U.S.-based Hui rights advocate Ma Ju said that Imam **Ma Zichang,** who led protesters in prayer outside the mosque, was among those detained.[60] Authorities had previously announced plans to conduct a similar "rectification" of the culturally and historically significant Grand Mosque in Shadian township, Gejiu city, Honghe Hani and Yi Autonomous Prefecture, Yunnan, in June 2023.[61] [For more on the Yunnan mosque demolition protests, see Chapter 7—Ethnic Minority Rights.]

[For more information on Uyghur, Hui, and other Muslims in the Xinjiang Uyghur Autonomous Region and other locations, see Chapter 7—Ethnic Minority Rights and Chapter 18—Xinjiang.]

Christianity—Catholic

COMPLIANCE WITH THE SINO-VATICAN AGREEMENT

The Chinese Communist Party and government have continued their efforts to assert control over Chinese Catholic leadership, community life, and religious practice.[62] The Sino-Vatican Agree-

ment of 2018 established a mechanism for appointing bishops who are in "full communion" with the pope and "recognized by authorities of the People's Republic of China."[63] According to one expert, the original agreement allowed for a possible two-year extension of the agreement "to be followed by a formal agreement or its suspension."[64] After first extending the agreement in 2020, the Holy See renewed it on a provisional basis in 2022, a "clear sign that . . . there is a desire to continue the dialogue but also a certain dissatisfaction with the results."[65]

In November 2022, the Bishops' Conference of the Catholic Church in China (BCCCC) "installed" Bishop Peng Weizhao—at the time serving as Holy See-recognized bishop of the diocese of Yujiang in Jiangxi province, a historic diocese not recognized by Chinese authorities—as the "auxiliary bishop of Jiangxi," a designation not recognized by the Holy See.[66] The Holy See characterized the action as not being in conformity with the 2018 Agreement.[67] The Holy See also cited reports that the appointment followed "prolonged and intense pressure by the local authorities."[68] On April 3, 2023, AsiaNews reported that a new bishop would be installed in the diocese of Shanghai, considered China's most important and the destination for a popular Chinese Catholic pilgrimage.[69] On April 4, the BCCCC held a ceremony installing Monsignor Shen Bin as bishop of Shanghai, which the Holy See said it learned of after the event had taken place, and then only from media reports.[70] At the installation, Shen said that he would continue to promote the tradition of "loving the country and loving religion," persevere in "independence and self-governance," and pursue the "sinicization" of Catholicism.[71]

COERCION AND REPRESSION OF CATHOLIC COMMUNITIES

During the Commission's 2023 reporting year, officials exerted pressure on both registered and unregistered Catholic communities, taking coercive action against churches and detaining members of the clergy. In Baoding municipality, Hebei province, authorities have targeted the Baoding diocese, home to one of the oldest and largest unregistered communities in China, forcibly detaining or disappearing at least 10 priests since April 2022.[72] One of the priests detained in 2022 and later released reported that authorities subjected the men to a program of political indoctrination, after which several consented to join the official church, while authorities have kept those who did not consent under surveillance and prevented them from exercising their pastoral ministry roles.[73] Authorities also demolished at least two unregistered Catholic properties, including a church in Luancheng district, Shijiazhuang municipality, Hebei, and a residence for nuns and priests in Datong municipality, Shanxi province.[74]

Control of the Catholic Church in Hong Kong

This past year, Hong Kong Special Administrative Region authorities accelerated efforts to more closely align the Roman Catholic Church in Hong Kong with the Catholic Patriotic Association (CPA). In July 2022, Reuters reported that the Holy See's unofficial envoy in Hong Kong had warned Catholic missions in Hong Kong to prepare for a rollback of religious freedom protections and the possible institution of mainland-like restrictions on religious bodies.[75] Over the ensuing months, Hong Kong Catholic bishops participated in two meetings with CPA counterparts.[76] In November 2022, the CPA, the Bishops' Conference of the Catholic Church in China (BCCCC), and the Holy Spirit Study Centre of the Catholic Diocese of Hong Kong jointly organized an online exchange focused on the "sinicization" of Catholicism, with BCCCC Chair Shen Bin presiding over the opening of the exchange and Hong Kong bishop emeritus Cardinal John Tong offering the opening prayer and delivering a speech.[77] In April 2023, Hong Kong bishop Stephen Chow visited Beijing municipality on a trip that was the "first of its kind" for a Hong Kong bishop since 1994.[78] At a prayer service in Beijing, Bishop Chow said that Hong Kong Catholics should "love the country and the church."[79] [For more information on the suppression of civil society in Hong Kong, see Chapter 19—Hong Kong and Macau.]

Christianity—Protestant

During this reporting year, PRC authorities continued to violate the religious freedom of Protestants, engaging in pressure campaigns against unregistered churches by detaining their leaders and surveilling their activities and participants.[80] Local authorities also continued to use the charge of "fraud" to target several influential unregistered or "house" churches and networks, indicating that such churches are understood by Chinese Communist Party and government officials to constitute an ongoing threat.[81] Widespread violations of Protestants' freedom of religion included:

- **Renewed crackdown on Early Rain Covenant Church.**
  - In August 2022, Wuhou district, Chengdu municipality, Sichuan province, public security officers raided and forcibly dispersed a Sunday worship gathering of Early Rain Covenant Church (ERCC) members at a tea house in Wuhou, registering attendees' names and information.[82] Authorities took into custody writer Xing Hongwei, known as A Xin, when he refused to register, criminally detaining him on suspicion of assaulting a police officer, though ERCC maintains that Xing did not initiate the physical altercation that ensued.[83]
  - Over the past year, at least four ERCC leaders and members reported that property managers at their places of residence attempted to forcibly evict them and their families after pressure from local authorities because of their connection with the church.[84]
  - In late February 2023, prior to the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference in March, authorities in Chengdu began to harass ERCC leaders and members, in an effort to deter

them from holding Sunday worship services.[85] When the church continued to hold services, Jintang county public security and Bureau of Ethnic and Religious Affairs personnel raided the church on March 12, taking into custody pastor Wu Wuqing and at least six other church leaders, with police beating deacon Jia Xuewei.[86] Authorities released all seven the same day but several days later administratively detained pastor **Ding Shuqi** and member **Shu Qiong.**[87]

- **Prominent "house" church networks targeted.**
  - In August 2022, public security officers in Yaodu district, Linfen municipality, Shanxi province took into custody Linfen Covenant Church pastors **Li Jie** and **Han Xiaodong,** and Li's wife, **Li Shanshan**, placing them under "residential surveillance at a designated location" (RSDL, a form of secret detention), later criminally detaining Li Jie and Han Xiaodong on suspicion of "fraud."[88] Authorities detained two other Linfen Covenant coworkers and banned the church and its associated school as "illegal social organizations."[89] [For more information on "illegal social organizations" and being designated as such, see Chapter 2—Civil Society—Regulations and Policy Pertaining to Civil Society—Social Organizations Deemed "Illegal."]
  - In August 2022, Baoqiao district, Xi'an municipality, Shaanxi province, public security officers raided the residences of Xi'an Church of Abundance pastors **Lian Changnian** and **Lian Xuliang,** placing them under RSDL for six months along with coworker **Fu Juan,** during which time they report that they were tortured and physically abused.[90] In March 2023, they were arrested on suspicion of "fraud."[91]
- **Digital surveillance and control of religion.**
  - This past year, as part of the Henan Bureau of Ethnic and Religious Affairs' "Smart Religion" program, Henan province launched a mobile phone application that believers must use to register in advance of attending a religious service.[92]

Falun Gong

Chinese authorities continued to crack down on the practice and propagation of Falun Gong, prosecuting Falun Gong practitioners under Article 300 of the PRC Criminal Law, which criminalizes "organizing and using a cult to undermine implementation of the law."[93] The Falun Gong-affiliated website Minghui reported the deaths of dozens of Falun Gong practitioners due to mistreatment while in custody and hundreds of cases of Falun Gong practitioners being sentenced by authorities, apparently for their connection with Falun Gong.[94] In its submission for the review of China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women, the Dui Hua Foundation noted that women are disproportionately represented in criminal cases involving "unorthodox religious groups" and that most of these women belong to Falun Gong and the Church of Almighty God (see Other Religious Communities in this chapter).[95] Moreover, Dui Hua reports that Chinese authorities have meted out "hefty prison

sentences" to both male and female Falun Gong practitioners in "key roles."[96]

Chinese public security officials have continued to subject Falun Gong practitioners to torture, physical abuse, and mistreatment while in custody.[97] Examples from this reporting year include:

- In February 2023, a Twitter user identifying himself as a friend of Sichuan Radio and Television host and Falun Gong practitioner **Pang Xun** asserted that authorities had beaten Pang to death while in custody, posting a video of Pang's dead body.[98] Public security officials in Chengdu municipality, Sichuan province, initially detained Pang in 2020 in connection with his alleged dissemination of Falun Gong leaflets, sentencing him to five years in prison for "organizing and using a cult to undermine implementation of the law."[99]
- In December 2022, Minghui reported that the Taonan Municipal People's Court in Taonan city, Baicheng municipality, Jilin province, had sentenced Chinese traditional medicine doctor and Falun Gong practitioner **Peng Shuming** to five years in prison for "organizing and using a cult to undermine implementation of the law."[100] Taonan Public Security Bureau (PSB) Detention Center officials physically abused Peng while in custody.[101] Minghui also reports that local authorities interfered with Peng's lawyer's efforts to defend his client.[102]

Other Religious Communities

- According to a report produced by the Church of Almighty God, the PRC central government has continued to crack down on this new religious movement as part of a three-year campaign launched in 2020, sentencing over one thousand practitioners to prison terms of over three years in 2022.[103]
- This past year, the Chinese Communist Party's Anti-Cult Association published an updated list of *xiejiao,* a historical term usually translated as "evil cults" or "heretical teachings" and used by the Party to refer to new religious movements it perceives as threatening.[104] The list includes Falun Gong, the Church of Almighty God, the Association of Disciples, the Shouters, and the Unification Church among its top ten entries.[105] One expert on the regulation of new religious movements in China says that the Anti-Cult Association lists *xiejiao* in order of perceived threat level.[106]

Notes to Chapter 3—Freedom of Religion

[1] "Registered" religious communities refer to religious communities, institutions, or venues that register with one of the state-affiliated patriotic religious associations established to oversee religion in China: the Buddhist Association of China, the Chinese Taoist Association, the Chinese Christian Council, the Catholic Patriotic Association, the Islamic Association of China, and the Three-Self Patriotic Movement. "Unregistered" communities refer to those communities, institutions, or venues that opt not to register with the state-affiliated oversight bodies, either on the basis of religious convictions, because registration may be too onerous, or for other reasons. For more information on the use, practice, and significance of registration for religious groups in China, see Sarah Cook, Freedom House, "The Battle for China's Spirit: Religious Revival, Repression, and Resistance under Xi Jinping," February 2017, 15, 32–33, 53; Office of International Religious Freedom, U.S. Department of State, "2022 Report on International Religious Freedom: China (Includes Hong Kong, Macau, Tibet, and Xinjiang)," May 15, 2023; Eleanor Albert and Lindsay Maizland, "Religion in China," Council on Foreign Relations, updated September 25, 2020.

[2] National Religious Affairs Administration and Ministry of Finance, *Zongjiao Huodong Changsuo Caiwu Guanli Banfa* [Measures for the Financial Management of Venues for Religious Activities], passed January 28, 2022, effective June 1, 2022; National Religious Affairs Administration, *Zongjiao Jiaozhi Renyuan Guanli Banfa* [Measures for the Administration of Religious Personnel], effective May 1, 2021; National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022; National Religious Affairs Administration, Guojia Zongjiao Shiwu Ju guanyu *"Zongjiao Huodong Changsuo Guanli Banfa (zhengqiu yijian gao)" gongkai zhengqiu yijian de tongzhi* [Notice of solicitation of public comments on the National Religious Affairs Administration "Measures for the Management of Venues for Religious Activities (draft for public comment)"], reprinted in *China Christian Council and Three-Self Patriotic Movement Online,* March 28, 2023.

[3] Xi Jinping, "Gaoju Zhongguo tese shehui zhuyi weida qizhi, wei quanmian jianshe shehui zhuyi xiandaihua guojia er tuanjie fendou—zai Zhongguo Gongchandang Di Ershi ci Quanguo Daibiao Dahui shang de baogao" [Raise high the great banner of socialism with Chinese characteristics, wage a united struggle to comprehensively establish a modern socialist country—report at the 20th National Congress of the Chinese Communist Party], October 16, 2022, reprinted in *Xinhua*, October 25, 2022.

[4] Paul M. Taylor, *Freedom of Religion: U.N. and European Human Rights Law and Practice* (New York: Cambridge University Press, 2005), 19, 24, 203–4.

[5] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18. Article 18 of the ICCPR upholds a person's right to "have or adopt a religion or belief" and the "freedom . . . to manifest [that] religion or belief in worship, observance, practice and teaching." Article 18 also prohibits coercion that impairs an individual's freedom to freely hold or adopt a religion or belief. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted and proclaimed by U.N. General Assembly resolution 36/55 of November 25, 1981. China has signed and stated its intent to ratify the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty's purpose. State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 Nian)" [National Human Rights Action Plan of China (2016–2020)], September 29, 2016, sec. 5; United Nations Conference on the Law of Treaties, Vienna Convention on the Law of Treaties, adopted May 23, 1969, entry into force January 27, 1980, art. 18.

[6] *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 36.

[7] *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 36; Liu Peng, "A Crisis of Faith," *China Security* 4, no. 4 (Autumn 2008): 30.

[8] See, e.g., *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 36; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018, art. 2; *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, art. 12.

[9] International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 26.

[10] International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18(2).

[11] *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 36; State Council, *Zongjiao Shiwu Tiaoli* [Regulations on Religious Affairs], issued November 30, 2004, amended June 14, 2017, effective February 1, 2018, art. 2.

[12] *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 36; International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18; U.N. Human Rights Committee, General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), CCPR/C/21/Rev.1/Add.4, July 30, 1993, para. 8. The ICCPR does allow State Parties to restrict outward manifestations of religion or belief, but such restrictions must be "prescribed by law and . . . necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

[13] National Religious Affairs Administration and Ministry of Finance, *Zongjiao Huodong Changsuo Caiwu Guanli Banfa* [Measures for the Financial Management of Venues for Religious Activities], passed January 28, 2022, effective June 1, 2022.

[14] National Religious Affairs Administration and Ministry of Finance, *Zongjiao Huodong Changsuo Caiwu Guanli Banfa* [Measures for the Financial Management of Venues for Religious Activities], passed January 28, 2022, effective June 1, 2022, art. 54; "Guojia Zongjiao Shiwu Ju fuzeren jiu 'Zongjiao Huodong Changsuo Caiwu Guanli Banfa' da jizhe wen" [Responsible person from the National Religious Affairs Administration responds to reporters' questions about the "Measures for the Financial Management of Venues for Religious Activities"], *United Front Work Department News,* April 7, 2022; ChinaAid Association, "ChinaAid's 2022 Annual Persecution Report," February 13, 2023, 12; "Communist Party Grabs Religious Funding," *AsiaNews,* April 15, 2022; International Campaign for Tibet, "Tibetan Monasteries Face Tighter Control under New Religious Financial Management Measures," June 1, 2022.

[15] National Religious Affairs Administration and Ministry of Finance, *Zongjiao Huodong Changsuo Caiwu Guanli Banfa* [Measures for the Financial Management of Venues for Religious Activities], passed January 28, 2022, effective June 1, 2022, art. 26; "Guojia Zongjiao Shiwu Ju fuzeren jiu 'Zongjiao Huodong Changsuo Caiwu Guanli Banfa' da jizhe wen" [Responsible person from the National Religious Affairs Administration responds to reporters' questions about the "Measures for the Financial Management of Venues for Religious Activities"], *United Front Work Department News,* April 7, 2022; Sun Cheng, "Zhongguo tuichu zongjiao changsuo caiwu guanli xin gui juankuan jianguan geng yan" [China releases new religious venue financial management measures, more strictly overseeing donations], *Radio Free Asia,* April 22, 2022; ChinaAid Association, "ChinaAid's 2022 Annual Persecution Report," February 13, 2023, 12; "Communist Party Grabs Religious Funding," *AsiaNews,* April 15, 2022; International Campaign for Tibet, "Tibetan Monasteries Face Tighter Control under New Religious Financial Management Measures," June 1, 2022.

[16] Sun Cheng, "Zhongguo tuichu zongjiao changsuo caiwu guanli xin gui juankuan jianguan geng yan" [China releases new religious venue financial management measures, more strictly overseeing donations], *Radio Free Asia,* April 22, 2022.

[17] National Religious Affairs Administration et al., *Hulianwang Zongjiao Xinxi Fuwu Guanli Banfa* [Measures for the Administration of Internet Religious Information Services], issued December 3, 2021, effective March 1, 2022.

[18] "Quanguo xing zongjiao tuanti lianxi huiyi di ershi ci huiyi kaishi" [Twentieth joint conference of nationwide religious groups begins], *United Front Work Department News,* July 7, 2022; Guangdong Province Ethnic and Religious Affairs Commission, "Guangdong sheng minzu zongjiao shiwu weiyuanhui guanyu hulianwang zongjiao xinxi shenhe renyuan nengli ceshi jieguo de gonggao (er)" [Guangdong province ethnic and religious affairs commission announcement regarding the results of the internet religious information auditors aptitude test (two)], July 11, 2022; Attonoy Li, "Reviewing How the Administrative Measures for Internet Religious Information Services Carried Out in Past Months before September 1," *China Christian Daily,* September 2, 2022. For past coverage of the Measures on the Administration of Internet Religious Information Services, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 99–100.

[19] "Quanguo xing zongjiao tuanti lianxi huiyi di ershi ci huiyi zhaokai" [Twentieth joint conference of nationwide religious groups begins], *United Front Work Department News,* July 7, 2022; Guangdong Province Ethnic and Religious Affairs Commission, "Guangdong sheng minzu zongjiao shiwu weiyuanhui guanyu hulianwang zongjiao xinxi shenhe renyuan nengli ceshi jieguo de gonggao (er)" [Guangdong province ethnic and religious affairs commission announcement regarding the results of the internet religious information auditors aptitude test (two)], July 11, 2022; Attonoy Li, "Reviewing How the Administrative Measures for Internet Religious Information Services Carried Out in Past Months before September 1," *China Christian Daily,* September 1, 2022; Congressional-Executive Commission on China, *2022 Annual Report,* (Washington: November 14, 2022), 99—100.

[20] ChinaAid Association, "ChinaAid's 2022 Annual Persecution Report," February 13, 2023; Gao Zhensai, ChinaAid Association, "Zhongguo shou ge Tianzhujiao ruanjian 'Tianzhujiao xiao zhushou' wangzhan ji yingyongchengxu bei po ting yun" [China's first Catholic software website and app "CathAssist" forced to shut down], August 26, 2022; Attonoy Li, "Christian Websites Commanded to Delete Mass Religious Keyword Articles," *China Christian Daily,* July 26, 2022.

[21] Gao Zhensai, ChinaAid Association, "Zhongguo shou ge Tianzhujiao ruanjian 'Tianzhujiao xiao zhushou' wangzhan ji yingyongchengxu bei po ting yun" [China's first Catholic software website and app "CathAssist" forced to shut down], August 26, 2022. In order to register, the app's developer said it would be required to significantly reduce its "function and content," which it was unwilling to do.

[22] Attonoy Li, "Christian Websites Commanded to Delete Mass Religious Keyword Articles," *China Christian Daily,* July 26, 2022.

[23] National Religious Affairs Administration, *Zongjiao Jiaozhi Renyuan Guanli Banfa* [Measures for the Administration of Religious Personnel], effective May 1, 2021.

[24] United Front Work Department, "Fojiao, Daojiao jiaozhi renyuan xinxi chaxun xitong shangxian, jia heshang jia daoshi wuchu dunxing!" [Buddhist, Taoist clergy information search system is online, fake Buddhist monks and Taoist priests have nowhere to hide!], February 22, 2023; Gao Feng, "China Rolls Out Searchable Public Databases of Officially Approved Religious Leaders," *Radio Free Asia,* February 23, 2023; National Religious Affairs Administration, *Zongjiao Jiaozhi Renyuan Guanli Banfa* [Measures for the Administration of Religious Personnel], effective May 1, 2021.

[25] Sun Jincheng, "Yisilanjiao, Tianzhujiao, Jidujiao jiaozhi renyuan xinxi chaxun xitong shangxian fabu" [Muslim, Catholic, Christian clergy information online search system is released], *Chinese People's Political Consultative Conference News,* May 24, 2023.

[26] National Religious Affairs Administration, *Guojia Zongjiao Shiwu Ju guanyu "Zongjiao Huodong Changsuo Guanli Banfa (zhengqiu yijian gao)" gongkai zhengqiu yijian de tongzhi* [Circular on Solicitation of Public Comments on the National Religious Affairs Administration "Measures for the Management of Venues for Religious Activities (draft for public comment)"], reprinted in *China Christian Council and Three-Self Patriotic Movement Online,* March 28, 2023; Gao Zhensai, ChinaAid Association, "Chutai 'Zongjiao Huodong Changsuo Guanli Banfa (yijian zhengqiu gao)', Zhongguo jiama zongjiao huodong changsuo guankong" [Releasing the "Measures for the Management of Venues for Religious Activities (draft for public comment)," China ratchets up control over venues for religious activities], April 6, 2023.

[27] Xie Baoshu, Rights Defense Network, "Zhongguo zhengfu ni fabu xin gui, jiajin yankong zongjiao ziyou kongjian" [Chinese government plans to issue new regulations, intensifying strict control over the space for religious freedom], April 4, 2023.

[28] National Religious Affairs Administration, *Guojia Zongjiao Shiwu Ju guanyu "Zongjiao Huodong Changsuo Guanli Banfa (zhengqiu yijian gao)" gongkai zhengqiu yijian de tongzhi* [Circular on Solicitation of Public Comments on the National Religious Affairs Administration "Measures for the Management of Venues for Religious Activities (draft for public comment)"], reprinted in *China Christian Council and Three-Self Patriotic Movement Online,* March 28, 2023, art. 36; Xie Baoshu, Rights Defense Network, "Zhongguo zhengfu ni fabu xin gui, jiajin yankong zongjiao ziyou kongjian" [Chinese government plans to issue new regulations, intensifying strict control over the space for religious freedom], April 4, 2023.

[29] China Islamic Association, "Zhongguo Yi Xie zuzhi jiti shoukan Zhongguo Gongchandang Di Ershi Ci Quanguo Daibiao Dahui kaimu" [The China Islamic Association organized a group viewing of the 20th National Congress of the Chinese Communist Party], October 16, 2022; Zhang Lili, China Christian Council and Three-Self Patriotic Movement, "(Zonghe) Quanguo ge shenxue yuanxiao zuzhi guankan Dang de Ershi Da kaimu hui zhibo" [(Summary) Seminaries nationwide organize viewings of the 20th Party Congress opening broadcast], October 17, 2022; Buddhist Association of China, "Zhongguo Fojiao Xiehui 'xuexi guanche Dang de Ershi Da jingshen peixun ban' zai Zhongyang Shehui Zhuyi Xueyuan juban" [Buddhist Association of China holds a "study and implement the spirit of the 20th Party Congress training class" at the Central Socialism Institute], November 22, 2023; Ma Feng and Wu Shumei, China Islamic Association, "Zhongguo Yisilanjiao Xiehui chuanda xuexi Dang de Ershi Da jingshen" [China Islamic Association conveys and studies the spirit of the 20th Party Congress], October 28, 2022; United Front Work Department, "Qingdao shi Daojiao jie juban xuexi guanche Dang de Ershi Da jingshen zhuti jiaoyu peixun ban" [Qingdao municipality Taoist community held an educational training class on the theme of studying and implementing the spirit of the 20th Party Congress], April 10, 2023.

[30] "Xu Xiaohong: Shinian mo yi jian, chixu tuijin Jidujiao zhongguohua zou shen zou shi" (Xu Xiaohong: Ten years of sharpening a sword, continue to advance the deepening and realization of the sinicization of Christianity], *China Weiyan Religion Magazine,* reprinted by *China Christian Council and Three-Self Patriotic Movement Online,* October 8, 2022.

[31] "Ershi Da weiwen? Beijing Shouwang Jiaohui zhanglao zao jinzu, huiyou bei jingfang chuanhuan" [20th Party Congress stability maintenance? Beijing Shouwang Church elder confined, church members summoned by police], *Radio Free Asia,* August 14, 2022; Yu Bing, ChinaAid Association, "Beijing Shouwang Jiaohui You Guanhui Zhanglao bei jin chumen huiyou bei chuanhuan" [Beijing Shouwang Church Elder You Guanhui confined, church members summoned by police], August 13, 2022; Yu Bing, ChinaAid Association, "Zhonggong Ershi Da zaiji, Qiuyu Shengyue Jiaohui Dai Zhichao Chuandao bei chixu jianjin zai jia" [As the 20th Party Congress nears, Early Rain Covenant Church Preacher Dai Zhichao continues to be confined to his home], October 15, 2022; Dilnur Sultanov, "Ili Kazakh Autonomous Prefecture: Crackdown on Islam Intensifies," *Bitter Winter,* October 7, 2022; Yu Bing, ChinaAid Association, "Zhonggong Ershi Da qian Hengyang Jidutu Chen Wensheng he qizi bei jingcha daizou" [Hengyang Christian Chen Wensheng and wife taken away by police before the 20th Party Congress], October 13, 2022; "Yunnan Kunming Falun Gong xueyuan Zhonggong Ershi Da qian zao saorao" [Falun Gong practitioners in Kunming, Yunnan, met with harassment prior to the 20th Party Congress], *Minghui,* November 11, 2022.

[32] "Ershi Da weiwen' Beijing Shouwang Jiaohui zhanglao zao jinzu, huiyou bei jingfang chuanhuan" [20th Party Congress stability maintenance? Beijing Shouwang Church elder confined, church members summoned by police], *Radio Free Asia,* August 14, 2022; Yu Bing, ChinaAid Association, "Beijing Shouwang Jiaohui You Guanhui Zhanglao bei jin chumen huiyou bei chuanhuan" [Beijing Shouwang Church Elder You Guanhui confined, church members summoned by police], August 13, 2022; Yu Bing, ChinaAid Association, "Zhonggong Ershi Da zaiji, Qiuyu Shengyue Jiaohui Dai Zhichao Chuandao bei chixu jianjin zai jia" [As the 20th Party Congress nears, Early Rain Covenant Church Preacher Dai Zhichao continues to be confined to his home], October 15, 2022.

[33] Nathan VanderKlippe, "How China Is Turning Religion into Another State-Controlled Tool to Support Its Communists Ideals," *Globe and Mail,* June 30, 2021; Weishan Huang, "The Sinicization of Buddhism and Its Competing Reinventions of Tradition," in ed. Richard Madsen, *The Sinicization of Chinese Religions: From Above and Below* (Leiden: Brill, 2021), 65, 67, 69, 83; Ian Johnson, "China's New Civil Religion," *New York Times,* December 21, 2019.

[34] Paul M. Taylor, *Freedom of Religion: U.N. and European Human Rights Law and Practice* (New York: Cambridge University Press, 2005), 19, 24, 203–4; Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted and proclaimed by U.N. General Assembly resolution 36/55 of November 25, 1981; State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 Nian)" [National Human Rights Action Plan of China (2016–2020)],

September 29, 2016, sec. 5; United Nations Conference on the Law of Treaties, Vienna Convention on the Law of Treaties, adopted May 23, 1969, entry into force January 27, 1980, art. 18.

[35] Nathan VanderKlippe, "How China Is Turning Religion into Another State-Controlled Tool to Support Its Communists Ideals," *Globe and Mail,* June 30, 2021; Weishan Huang, "The Sinicization of Buddhism and Its Competing Reinventions of Tradition," in ed. Richard Madsen, *The Sinicization of Chinese Religions: From Above and Below* (Leiden: Brill, 2021), 65, 67, 69, 83; Ian Johnson, "China's New Civil Religion," *New York Times,* December 21, 2019.

[36] United Front Work Department, "Fojiao, Daojiao jiaozhi renyuan xinxi chaxun xitong shangxian, jia heshang jia daoshi wuchu dunxing!" [Buddhist, Taoist clergy information search system is online, fake Buddhist monks and Taoist priests have nowhere to hide!], February 22, 2023; "Fojiao, Daojiao jiaozhi renyuan xinxi chaxun xitong shangxian fabu" [Buddhist, Taoist clergy information search system released online], *Xinhua,* February 22, 2023; Gao Feng, "China Rolls Out Searchable Public Databases of Officially Approved Religious Leaders," *Radio Free Asia,* February 23, 2023.

[37] Gao Feng, "China Rolls Out Searchable Public Databases of Officially Approved Religious Leaders," *Radio Free Asia,* February 23, 2023.

[38] International Campaign for Tibet, "Containing the 'Eastward Movement of Tibetan Mysticism': Targeting Chinese Buddhist Practitioners at Larung Gar Academy," January 20, 2022; "Han Chinese Seek Spiritual Salve in Tibetan Buddhism," *Economist,* October 26, 2022; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 101.

[39] Rights Defense Network, "Guangdong sheng Yunfu shi Fojiao Xiehui xianzhi Zangchuan Fojiao zai Zhongguo neidi chuanbo" [Yunfu Municipality, Guangdong Province, Buddhist Association restricts the spread of Tibetan Buddhism in mainland China], July 22, 2022; International Campaign for Tibet, "Ban on Tibetan Buddhist Teachers in Guangdong's Yunfu City," August 4, 2022.

[40] Rights Defense Network, "Guangdong sheng Yunfu shi Fojiao Xiehui xianzhi Zangchuan Fojiao zai Zhongguo neidi chuanbo" [Yunfu Municipality, Guangdong Province, Buddhist Association restricts the spread of Tibetan Buddhism in mainland China], July 22, 2022; International Campaign for Tibet, "Ban on Tibetan Buddhist Teachers in Guangdong's Yunfu City," August 4, 2022. The notice also accuses Tibetan monks of using their position to conduct fraud and sexual exploitation, and promote "separatist" activities.

[41] Nanjing Municipality Party Committee and Government Investigation Group, "Guanyu Nanjing Xuanzang Si gongfeng qinhua Rijun zhanfan paiwei shijian diaocha chuli qingkuang de tongbao" [Notice regarding the investigation and handling of the Nanjing Xuanzang Temple enshrining China-invading Japanese Army war criminals situation], *Nanjing Daily,* reprinted in Nanjing Municipal People's Government, July 25, 2022; Tang Jiajie, "Wu Aping dianshi chanhui Zhongguo Fojiao dei you aiguo zhuyi yishi?" [Wu Aping televised confession: Must Chinese Buddhism be patriotic?], *Radio Free Asia,* July 25, 2022; Ye Zhanhang, "China to Rectify Religious Sites after Temple Honors War Criminals," *Sixth Tone,* July 27, 2022; Cyril Ip, "China Detains Woman over Temple Offerings for Japanese War Criminals Linked to Nanking Massacre," *South China Morning Post,* July 25, 2022; Zhu Yaozu, "The Xuanzang Temple Incident: Who Was the Agent Provocateur?," *Bitter Winter,* July 29, 2022.

[42] Nanjing Municipality Party Committee and Government Investigation Group, "Guanyu Nanjing Xuanzang Si gongfeng qinhua rijun zhanfan paiwei shijian diaocha chuli qingkuang de tongbao" [Notice regarding the investigation and handling of the Nanjing Xuanzang Temple enshrining China-invading Japanese Army war criminals situation], *Nanjing Daily,* reprinted in Nanjing Municipal People's Government, July 25, 2022; Tang Jiajie, "Wu Aping dianshi chanhui Zhongguo Fojiao dei you aiguo zhuyi yishi?" [Wu Aping televised confession: Must Chinese Buddhism be patriotic?], *Radio Free Asia,* July 25, 2023; Ye Zhanhang, "China to Rectify Religious Sites after Temple Honors War Criminals," Sixth Tone, July 27, 2022. According to the South China Morning Post, Wu appears to have a documented history of mental illness. Cyril Ip, "China Detains Woman over Temple Offerings for Japanese War Criminals Linked to Nanking Massacre," *South China Morning Post,* July 25, 2022. For more information on Wu Aping, see the Commission's Political Prisoner Database record 2023-00174.

[43] Buddhist Association of China, "Zhongguo Fojiao Xiehui fachu tongzhi yaoqiu quanmian kaizhan qingcha he guifan siyuan sheli paiwei gongzuo" [Buddhist Association of China issues notice requiring comprehensively launching investigation and regulation of temple memorial tablets work], July 26, 2022; Ye Zhanhang, "China to Rectify Religious Sites after Temple Honors War Criminals," *Sixth Tone,* July 27, 2022; Zhu Yaozu, "The Xuanzang Temple Incident: Who Was the Agent Provocateur?," *Bitter Winter,* July 29, 2022.

[44] For recent coverage of PRC authorities' efforts to control and forcibly assimilate Hui and other ethnic minority Muslims, see, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 101–2; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 31, 2022), 99–101.

[45] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?," March 22, 2023.

[46] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?," March 22, 2023. While Hui Muslims make up only 35 percent of Ningxia residents, they have constituted the majority of those resettled.

[47] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?," March 22, 2023.

[48] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?," March 22, 2023.

[49] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?," March 22, 2023.

[50] For more information about previous efforts to remove "Arab-style" domes and minarets from mosques see, e.g., David R. Stroup, "China: Removing 'Arab-Style' Features from Country's

Biggest Mosques the Latest Move in Campaign of Muslim Assimilation," *Conversation,* September 28, 2021; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 101.

[51] Gao Feng, "Yisilanjiao zhongguohua: Huabei zuida qingzhensi mianlin waiguan zhenggai" [Sinicization of Islam: North China's largest mosque faces facade renovation], *Radio Free Asia,* September 13, 2022.

[52] Gao Feng, "Yisilanjiao zhongguohua: Huabei zuida qingzhensi mianlin waiguan zhenggai" [Sinicization of Islam: North China's largest mosque faces facade renovation], *Radio Free Asia,* September 13, 2022.

[53] Chen Tao, "Hui Mosques and Cemeteries 'Sinicized' in Qinghai, Yunnan, Beijing, and Shanghai," *Bitter Winter,* September 23, 2022.

[54] Christian Solidarity Worldwide, "China: Hui Muslims Beaten as Officials Demolish Mosque Domes and Minarets," June 21, 2022; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 163–64.

[55] Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023; Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* May 30, 2023, updated June 2, 2023; Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[56] Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023; Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* May 30, 2023, updated June 2, 2023; Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[57] Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023; Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* May 30, 2023, updated June 2, 2023; Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[58] Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023; Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* May 30, 2023, updated June 2, 2023; Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[59] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* May 30, 2023, updated June 2, 2023.

[60] Ma Ju (@majuismail1122), "!!Ju Najiaying renshi chongchu chongwei, maoxian chuan lai de xinxi . . . " [!!According to the information from the Najiaying people who broke out of the siege . . .], Twitter, June 2, 2023, 9:03 p.m. For more information on Ma Zichang, see the Commission's Political Prisoner Database record 2023-00137.

[61] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023. According to Yusupov, officials visited Shadian residents during Ramadan to discuss the plans and pressure residents to accept them. Following the Najiaying protests in Nagu, Shadian residents reported a heavy police presence in the town and on local expressways.

[62] Francis X. Rocca and Elaine Yu, "Vatican and China Renew Agreement on Bishops as Beijing Tightens Control of Religion," *Wall Street Journal,* October 22, 2022; "China Wants to 'Sinicise' Its Catholics," *Economist,* November 22, 2022. For past coverage of the Chinese Communist Party and government's efforts to assert control over the Catholic Church, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 102–3; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 31, 2022), 101–3.

[63] "New Bishop Ordained in China," *Vatican News,* September 8, 2021. For more on the Sino-Vatican Agreement, see Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 31, 2022), 101–2.

[64] Gianni Criveller, "A Second Renewal of the Agreement on Episcopal Appointments Announced," *AsiaNews,* October 22, 2022.

[65] Gianni Criveller, "A Second Renewal of the Agreement on Episcopal Appointments Announced," *AsiaNews,* October 22, 2022. Analysts have attributed the dissatisfaction to the Party-controlled Bishops' Conference of the Catholic Church in China (affiliated with the official Catholic Patriotic Association) unilaterally appointing bishops in apparent violation of the agreement. The text of the agreement has not been made public, so it cannot be determined definitively whether the appointments constitute violations of the agreement, but the Holy See has indicated in its statements and official interviews that the content of the agreement governs the appointment of bishops. For more on the Sino-Vatican Agreement, see Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 31, 2022), 101–2.

[66] "Tianzhujiao Jiangxi Jiaoqu juxing fuli zhujiao jiuzhi yishi" [Catholic Diocese of Jiangxi holds installation ceremony for the auxiliary bishop], *Catholic Church in China,* November 24, 2022; "Holy See: Regret for Installation Ceremony of Bishop in China," *Vatican News,* November 26, 2022.

[67] "Tianzhujiao Jiangxi Jiaoqu juxing fuli zhujiao jiuzhi yishi" [Catholic Diocese of Jiangxi holds installation ceremony for the auxiliary bishop], *Catholic Church in China,* November 24, 2022; "Holy See: Regret for Installation Ceremony of Bishop in China," *Vatican News,* November 26, 2022.

[68] "Holy See: Regret for Installation Ceremony of Bishop in China," *Vatican News,* November 26, 2022.

[69] "Chinese Bishop Shen Bin Transferred to Shanghai, Holy See Learns of Move from Media" *Vatican News,* April 4, 2023; "Tianzhujiao Shanghai Jiaoqu juxing zhujiao jiuzhi yishi" [Catholic

Diocese of Shanghai holds ceremony for installation of bishop], *Catholic Church in China,* April 4, 2023; "Shen Bin New Bishop of Shanghai: 'Unilateral' Appointment, Vatican Agreement Broken," *AsiaNews,* April 4, 2023; US-China Catholic Association, "A New Bishop for Shanghai," April 6, 2023; "New Bishop of Shanghai Set for Tomorrow: Bishop Shen Bin in Pole Position," *AsiaNews,* April 3, 2023.

[70] "Chinese Bishop Shen Bin Transferred to Shanghai, Holy See Learns of Move from Media" *Vatican News,* April 4, 2023; "Tianzhujiao Shanghai Jiaoqu juxing zhujiao jiuzhi yishi" [Catholic Diocese of Shanghai holds ceremony for installation of bishop], *Catholic Church in China,* April 4, 2023; "Shen Bin New Bishop of Shanghai: 'Unilateral' Appointment, Vatican Agreement Broken," *AsiaNews,* April 4, 2023; *US-China Catholic Association,* "A New Bishop for Shanghai," April 6, 2023; "New Bishop of Shanghai Set for Tomorrow: Bishop Shen Bin in Pole Position," *AsiaNews,* April 3, 2023.

[71] "Tianzhujiao Shanghai Jiaoqu juxing zhujiao jiuzhi yishi" [Catholic Diocese of Shanghai holds ceremony for installation of bishop], *Catholic Church in China,* April 4, 2023.

[72] "Underground Priest Goes Missing in Baoding While Others Are Released after 'Brainwashing,'" *AsiaNews,* April 13, 2023; For more information on the 10 priests, see the Commission's Political Prisoner Database records 2005-00261 on Yang Jianwei, 2023-00014 on Chen Hechao, 2023-00015 on Ji Fuhou, 2023-00016 on Ma Ligang, 2023-00017 on Yang Guanglin, 2023-00018 on Shang Mancang, 2023-00020 on Zhang Chunguang, 2023-00021 on Yin Shuangxi, 2023-00022 on Zhang Shouxin, and 2023-00023 on Zhang Zhenquan. For another example of authorities targeting the underground church in Baoding, see "In Baoding Bishop An Threatens to Withhold the Sacraments from Those Who Do Not Register," *AsiaNews,* July 30, 2022.

[73] "Underground Priest Goes Missing in Baoding While Others Are Released after 'Brainwashing,'" *AsiaNews,* April 13, 2023.

[74] Sun Cheng, "Hebei Luancheng yi Tianzhujiao dixia jiaohuitang zao qiang chai dangdi zhujiao pilu xiangqing" [Underground Catholic Church in Luancheng, Hebei, was forcibly demolished, local bishop reveals], *Radio Free Asia,* July 12, 2022; "Datong Diocese: Authorities Demolish Priests' and Nuns' House with Pickaxe," *AsiaNews,* February 23, 2023.

[75] Greg Torode, "Vatican Envoy in Hong Kong Warns Catholic Missions to Prepare for China Crackdown," *Reuters,* July 5, 2022.

[76] Catholic Patriotic Association, "Di er jie Neidi-Xianggang Tianzhujiao zhongguohua shenxue fenxiang jiaoliu hui zaixian zhaokai" [The second virtual Mainland-Hong Kong Catholic sinicization exchange was convened], November 18, 2022; "Bishop Chow Invites the Archbishop of Beijing to Visit Hong Kong," *AsiaNews,* April 22, 2023.

[77] Catholic Patriotic Association, "Di er jie Neidi-Xianggang Tianzhujiao zhongguohua shenxue fenxiang jiaoliu hui zaixian zhaokai" [The second virtual Mainland-Hong Kong Catholic sinicization exchange was convened], November 18, 2022.

[78] "Bishop Chow Invites the Archbishop of Beijing to Visit Hong Kong," *AsiaNews,* April 22, 2023.

[79] "Bishop Chow Invites the Archbishop of Beijing to Visit Hong Kong," *AsiaNews,* April 22, 2023.

[80] ChinaAid Association, "ChinaAid's 2021 Annual Persecution Report," March 7, 2022. For coverage of PRC authorities' violation of the religious freedom of Protestant Christians in previous years, see, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 103–4; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 31, 2022), 103–4.

[81] Sarah Eekhoff Zylstra and Zhang San, "Chinese Christians Adapt under New Restrictions," *The Gospel Coalition,* March 30, 2023; Rights Defense Network, "Shanxi Linfen Shengyue Jiayuan Jiaohui jiao'an jinzhan tongbao: (2023 nian 1 yue 15 ri)—5 ren bei qisu dao jianchayuan [Shanxi's Linfen Covenant House Church case progress update: (January 15, 2023)—five people were indicted by the procuratorate], January 15, 2023; Yu Bing, ChinaAid Association, "Linfen Shengyue Jiayuan Jiaohui san wei Jidutu shexian 'zhapian' an bei jianchayuan tuihui buchong zhencha" [The case of three Christians from Linfen Covenant House Church suspected of "fraud" was returned to the procuratorate for additional investigation], February 4, 2023; ChinaAid Association, "Leaders of Xi'an Church of Abundance Transferred to Detention Center," February 21, 2023. For more on the use of "fraud" charges to target unregistered Protestant churches during the Commission's previous reporting year, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 83, 103.

[82] Yu Bing, ChinaAid Association, "Chengdu jingfang baoli chongji Qiuyu Shengyue Jiaohui zhuri juhui, zuojia A Xin bei dashang zhuazou" [Chengdu police violently attack Early Rain Covenant Church Lord's day gathering, writer A Xin injured and detained], August 14, 2022.

[83] Yu Bing, ChinaAid Association, "Chengdu jingfang baoli chongji Qiuyu Shengyue Jiaohui zhuri juhui, zuojia A Xin bei dashang zhuazou" [Chengdu police violently attack Early Rain Covenant Church Lord's day gathering, writer A Xin injured and detained], August 14, 2022; Yu Bing, ChinaAid Association, "Qiuyu Shengyue Jiaohui jiu huiyou A Xin 'shexian xi jing zui' bei xingju fa shengming, Duihua Yuanzhu gaodu guanzhu" [Early Rain Covenant Church member A Xin criminally detained on suspicion of "assaulting police," ChinaAid Association extremely concerned], August 15, 2022.

[84] Yu Bing, ChinaAid Association, "Chengdu Qiuyu Shengyue Jiaohui huiyou Shu Qiong yijia bei bipo mianlin banjia" [Chengdu Early Rain Covenant Church member Shu Qiong's family faced with forced eviction], October 1, 2022; ChinaAid Association, "Xinan Minzu Daxue zhuzhou wei nüe qiangbi Qiuyu Shengyue Jiaohui huiyou Kang Guofu tui zu banjia" [Southwest Minzu University cooperates with oppression, forcing Early Rain Covenant Church member Kang Guofu to forfeit his rent and move], February 19, 2023; Yu Bing, ChinaAid Association, "Chengdu jingfang xiepo fangdong weiyue tui zu, qugan Qiuyu Shengyue Jiaohui huiyou Li Benli" [Chengdu police force landlord to renege [on rental agreement] and decline [future] rent; drive out Early Rain Covenant Church member Li Benli], March 15, 2023; Yu Bing, ChinaAid Association, "Chengdu jingfang, 'qian bi' exing chixu shengji: zhunbei 'qingchang' juzhu tongyi

shequ de Qiuyu Shengyue Jiaohui huiyou Shu Qiong, Chen Yan he Mudaoyou Xu Jiali san jia" [Chengdu police "forced eviction" evil continues to escalate: [telling] Early Rain Covenant Church members Shu Qiong, Chen Yan, and catechumen Xu Jiali, who live in the same housing community, [to] prepare to "clear out"], March 21, 2023.

[85] Yu Bing, ChinaAid Association, "Xinwen zongshu: 2 yue 24–3 yue 5 ri, qingkan Zhonggong Sichuan dangju ruhe feijinxinji zunao Qiuyu Shengyue Jiaohui juhui" [News summary: February 24–March 5, observe the Sichuan Chinese Communist Party authorities rack their brains trying to figure out how to stop Early Rain Covenant Church from gathering], March 6, 2023.

[86] Yu Bing, ChinaAid Association, "Qiuyu Shengyue Jiaohui Zhuri juhui zaoshou Chengdu dangju chongji, duo ren bei daizou, youren bei baoli ouda" [Early Rain Covenant Church Lord's Day gathering suffered an attack by Chengdu authorities, many people were taken away, some were violently beaten], March 12, 2023.

[87] Yu Bing, ChinaAid Association, "Qiuyu Shengyue Jiaohui Zhuri juhui zaoshou Chengdu dangju chongji, duo ren bei daizou, youren bei baoli ouda" [Early Rain Covenant Church Lord's Day gathering suffered an attack by Chengdu authorities, many people were taken away, some were violently beaten], March 12, 2023; Yu Bing, ChinaAid Association, "Qiuyu Jiaohui Ding Shuqi Chuandao, Shu Qiong yin canjia hui bei xingzheng juliu" [Early Rain Covenant Church Preacher Ding Shuqi and Shu Qiong administratively detained for participating in gathering], March 17, 2023.

[88] Rights Defense Network, "Shanxi Linfen Shengyue Jiayuan Jiaohui jiao'an jinzhan tongbao: (2023 nian 1 yue 15 ri)—5 ren bei qisu dao jianchayuan [Shanxi's Linfen Covenant House Church case progress update: (January 15, 2023)—five people were indicted by the procuratorate], January 15, 2023; Yu Bing, ChinaAid Association, "Linfen Shengyue Jiayuan Jiaohui san wei Jidutu shexian 'zhapian' an bei jianchayuan tuihui buchong zhencha" [The case of three Christians from Linfen Covenant House Church suspected of "fraud" was returned to the procuratorate for additional investigation], February 4, 2023.

[89] Rights Defense Network, "Shanxi Linfen Shengyue Jiayuan Jiaohui jiao'an jinzhan tongbao: (2023 nian 1 yue 15 ri)—5 ren bei qisu dao jianchayuan [Shanxi's Linfen Covenant House Church case progress update: (January 15, 2023)—five people were indicted by the procuratorate], January 15, 2023; Yu Bing, ChinaAid Association, "Linfen Shengyue Jiayuan Jiaohui san wei Jidutu shexian 'zhapian' an bei jianchayuan tuihui buchong zhencha" [The case of three Christians from Linfen Covenant House Church suspected of "fraud" was returned to the procuratorate for additional investigation], February 4, 2023; "Linfen shi Yaodu qu Minzhengju guanyu yifa qudi feifa shehui zuzhi 'Shengyue Jiayuan Jiaohui', 'Asilan Xuetang' de tonggao" [Yaodu district, Linfen municipality, Bureau of Civil Affairs announcement regarding the prohibition according to law of the illegal social organizations 'Covenant House Church' and 'Aslan School'], Linfen Municipal Government Online, November 16, 2022; Yu Bing, ChinaAid Association, "Shanxi Linfen Shengyue Jiayuan Jiaohui ji Asilan Xuetang bei qudi" [Shanxi's Linfen Covenant House Church and Aslan School shut down], November 20, 2022.

[90] Yu Bing, ChinaAid Association, "Genzong baodao: Xi'an Fengsheng Jiaohui Lian Changnian Mushi, Lian Xuliang Mushi fuzi tong bei zhiding jianshi juzhu, houzhe hai zao ouda zhi shang" [Follow-up report: Xi'an Church of Abundance father-and-son, Pastor Lian Changnian [and] Pastor Lian Xuliang were placed in residential surveillance at a designated location together, [and] the latter was beaten and injured], August 22, 2022; ChinaAid Association, "Xi'an Fengsheng Jiaohui Lian Changnian Mushi deng san ren zai bei zhiding jianshi juzhu qijian zaoshou kuxing" [Xi'an Church of Abundance Pastor Lian Changnian and [two] others subjected to torture while under residential surveillance at a designated location], February 23, 2023; Christian Solidarity Worldwide, "House Church Pastors Describe Torture in Secret Detention," *China Corner,* February 28, 2023; ChinaAid Association, "Leaders of Xi'an Church of Abundance Transferred to Detention Center," February 21, 2023.

[91] Yu Bing, ChinaAid Association, "Xi'an Fengsheng Jiaohui Lian Changnian, Lian Xuliang Mushi, Fu Juan Chuandao zao jingfang gouxian 'zhapian zui', bei zhengshi daibu" [Xi'an Church of Abundance's Lian Changnian, Pastor Lian Xuliang, and Preacher Fu Juan, charged by police with "fraud," are formally arrested], March 23, 2023.

[92] Gao Zhensai, ChinaAid Association, "Henan Christians Must Submit Online Form to Attend Church," March 6, 2023. According to ChinaAid, religious believers must enter extensive personal details in order to attend services, including their name, phone number, occupation, date of birth, address, and identification number. While the app does not appear to be designed exclusively for use by Protestant Christians, as of June 30, 2023, all reporting and details about the app have come from Christians familiar with the app, and it is unclear if members of other religious faiths are also being asked to register through the app at this time.

[93] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 300. For past CECC coverage of PRC authorities' efforts to crack down on Falun Gong using Article 300 of the PRC Criminal Law, see, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 14, 2022), 104–5; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 31, 2022), 104–5.

[94] "Reported in 2022: 172 Falun Gong Practitioners Die in the Persecution of Their Faith," *Minghui,* January 7, 2023; "Reported in 2022: 633 Falun Gong Practitioners Sentenced for Their Faith," *Minghui,* January 8, 2023.

[95] Dui Hua Foundation, "Submission of the Dui Hua Foundation, an NGO in Special Consultative Status with ECOSOC, to the Committee on the Elimination of Discrimination against Women, for the State Report on China at the 85th Session," April 2023, 2.

[96] Dui Hua Foundation, "Submission of the Dui Hua Foundation, an NGO in Special Consultative Status with ECOSOC, to the Committee on the Elimination of Discrimination against Women, for the State Report on China at the 85th Session," April 2023, 4.

[97] For past coverage of PRC officials subjecting Falun Gong practitioners to physical abuse, torture, and mistreatment in custody, see, e.g., Congressional-Executive Commission on China,

2022 Annual Report (Washington: November 14, 2022), 104–5; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 31, 2022), 104–5.

[98] "30-Year-Old Falun Gong Practitioner Beaten to Death in Prison, Tweet on Death Goes Viral," Falun Dafa Information Center, February 18, 2023; Rights Defense Network, "Huoxing 5 nian bing zao Zhonggong dangju canku pohai cansi yu zhong de yuan Sichuan Renmin Guangbo Dianshi Tai zhuchiren, Falun Gong xueyuan Pang Xun de jianli" [Biography of former Sichuan People's Radio and Television host Pang Xun, who was sentenced to five years and cruelly persecuted to death in prison by Chinese Communist Party authorities], *Minghui,* February 16, 2023.

[99] "30-Year-Old Falun Gong Practitioner Beaten to Death in Prison, Tweet on Death Goes Viral," Falun Dafa Information Center, February 18, 2023; Rights Defense Network, "Huoxing 5 nian bing zao Zhonggong dangju canku pohai cansi yu zhong de yuan Sichuan Renmin Guangbo Dianshi Tai zhuchiren, Falun Gong xueyuan Pang Xun de jianli" [Biography of former Sichuan People's Radio and Television host Pang Xun, who was sentenced to five years and cruelly persecuted to death in prison by Chinese Communist Party authorities], *Minghui,* February 16, 2023.

[100] "Peng Shuming" [Peng Shuming], *Minghui,* updated January 7, 2023; "Zao kuasheng bangjia gouxian Shandong Peng Shuming bei Jilin fayuan wang pan wu nian," [Cross-provincial kidnapping [and] false charges, Peng Shuming of Shandong unjustly sentenced to five years by Jilin court], *Minghui,* December 4, 2022.

[101] "Peng Shuming" [Peng Shuming], *Minghui,* updated January 7, 2023.

[102] "Peng Shuming" [Peng Shuming], *Minghui,* updated January 7, 2023; "Zao kuasheng bangjia gouxian Shandong Peng Shuming bei Jilin fayuan wang pan wu nian," [Cross-provincial kidnapping [and] false charges, Peng Shuming of Shandong unjustly sentenced to five years by Jilin court], *Minghui,* December 4, 2022; Rights Defense Network, "Huoxing 5 nian de Shandong sheng Falun Gong xueyuan Peng Shuming de anqing ji jianli" [Case and biographical information on Falun Gong practitioner Peng Shuming of Shandong province, who was sentenced to 5 years], December 29, 2022.

[103] The Church of Almighty God, *2022 Annual Report on the Chinese Communist Government's Persecution of the Church of Almighty God,* February 8, 2023.

[104] China Anti-Cult Association, "Jingti! Jingti! Jingti! Zhexie dou shi xiejiao" [Warning! Warning! Warning! These are all cults], July 26, 2022. For information on the translation and application of the term *xiejiao,* see Richard Madsen, "Introduction," in *The Sinicization of Chinese Religions: From Above and Below* (Leiden: Brill, 2021), 7; Dui Hua Foundation, "The Persecution of Unorthodox Religious Groups in China," *Dui Hua Human Rights Journal,* March 29, 2022, 3–4; Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), 29, 339–40; J. Gordon Melton, "Xiejiao, Cults, and New Religions," in ed. Richard Madsen, *The Sinicization of Chinese Religions: From Above and Below* (Leiden: Brill, 2021), 148, 152–54. Melton traces Chinese leaders' use of the term *xiejiao* to characterize new religious movements across the Qing Dynasty, Nationalist, and PRC governments, observing that "China has a long history of banning dissenting groups as heretical and/or chaotic, a threat to the public and political order."

[105] China Anti-Cult Association, "Jingti! Jingti! Jingti! Zhexie dou shi xiejiao" [Warning! Warning! Warning! These are all cults], July 26, 2022.

[106] Massimo Introvigne, "Xie Jiao: China Updates the List—With Some New Entries," *Bitter Winter,* August 30, 2022.

IV. Rule of Law in the Justice System

CRIMINAL JUSTICE

Findings

- The criminal justice system in the People's Republic of China (PRC) remained a political instrument used for maintaining social order in furtherance of the Chinese Communist Party's authoritarian rule. The government punishes criminal acts, but it also targets individuals who pursue universal human rights, particularly when they independently organize or challenge the state's or the Chinese Communist Party's authority.
- The judiciary is unambiguously political, as the chief justice of the Supreme People's Court called for "absolute loyalty" to the Party. Moreover, political intervention was evidenced in the case of citizen journalist **Fang Bin,** detained in 2020 in connection with his reporting on the coronavirus disease 2019 (COVID-19) outbreak in Wuhan municipality, Hebei province. A leaked document indicated that the court judgment in his case was a result of a decision made by the Party Central Committee Political and Legal Affairs Commission.
- Government officials arbitrarily detained political activists, religious practitioners, ethnic minorities, and rights advocates, including through extralegal means such as "black jails" and psychiatric facilities or through criminal prosecution under offenses such as "picking quarrels and provoking trouble" or crimes endangering state security. Some detainees, particularly those held incommunicado, reported being mistreated or tortured. After entering the formal legal process, defendants sometimes faced prolonged pretrial detention, closed trials, and delayed sentencing.
- Examples of arbitrary detention during the Commission's 2023 reporting year include the forcible disappearance in Shanghai municipality in March 2023 of **Li Yanhe,** an editor who published books banned in China. In April, police in Beijing municipality detained human rights lawyer **Yu Wensheng** and his wife, **Xu Yan,** as they were on their way to meet the European Union's Ambassador to China.
- Authorities likewise criminally detained participants in the White Paper protests, a series of nationwide citizen protests that took place in November 2022 in reaction to the government's harsh COVID-19 prevention measures and censorship. Protesters, including **Cao Zhixin, Li Yuanjing, Zhai Dengrui,** and **Li Siqi,** were forcibly disappeared for several months before authorities lodged formal criminal charges against them.

Recommendations

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

- Publicly advocate for political prisoners. PRC officials have deprived individuals of liberty on unsubstantiated criminal charges and have suppressed their political rights. Our prior

experiences illustrate that consistently and prominently raising individual prisoner cases can result in improved treatment in detention, lighter sentences, or, in some cases, release from custody, detention, or imprisonment. Specific cases of prisoners can be found in this chapter and other chapters in this report. For additional cases, refer to the Commission's Political Prisoner Database and the Tom Lantos Human Rights Commission's Defending Freedoms Project.

○ Continue to advocate for the U.S. citizens and lawful permanent residents whom PRC authorities have arbitrarily detained or prevented from leaving the country.

○ Prioritize diplomatic efforts to end PRC authorities' use of arbitrary detention. The Administration should urge PRC officials to end all forms of arbitrary detention and raise this issue in all bilateral discussions and in multilateral institutions of which the United States and China are members. The Administration should create public diplomacy campaigns and support media efforts to raise global awareness about the detention of political and religious prisoners in "black jails," psychiatric institutions, compulsory drug detoxification centers, police and state security detention centers, and in mass internment camps in the Xinjiang Uyghur Autonomous Region. In addition, the Administration should consider funding nongovernmental projects that assist individuals with collecting and submitting evidence of PRC officials' complicity and responsibility in the arbitrary detention of political and religious prisoners.

○ Take the necessary steps to ensure that U.S. businesses are not complicit in PRC abuses of police power. The Administration and Members of Congress should take the necessary steps to prohibit the export of U.S. surveillance technologies and equipment to PRC security services. Members of Congress should hold public hearings and private meetings with companies from their districts to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China may face. Topics of meetings could include complicity in the use of artificial intelligence technology and surveillance equipment used to monitor human rights advocates, religious believers, and ethnic minority groups in China.

○ Voice support for human rights advocates in China. Members of Congress and Administration officials should regularly meet with members of Chinese civil society, rights defenders, and other people targeted by PRC authorities. The Administration and Members of Congress should discuss with Chinese counterparts the importance of protection for such individuals in a wide range of bilateral and multilateral discussions.

CRIMINAL JUSTICE

Introduction

During the Commission's 2023 reporting year, PRC officials continued to use the criminal justice system and other forms of detention to arbitrarily detain individuals. As of February 2023, the human rights monitor group Rights Defense Network documented 1,486 cases of active detention, which it estimated to be a small fraction of the total number of political and religious prisoners in China.[1] Institutionally, the judiciary is unambiguously political, as the chief justice of the Supreme People's Court (SPC) called for absolute loyalty to the Party, and continuing political intervention undermines defendants' right to a fair trial, especially in political cases.

Lack of Judicial Independence

As then SPC Chief Justice Zhou Qiang delivered the court's work report in March 2023, he reiterated the regulatory requirement that judicial officers must be absolutely loyal to the Party and to General Secretary Xi Jinping.[2] Evidence of the judiciary taking orders from the Party was seen in the case of citizen journalist **Fang Bin,** whom the Jiang'an District People's Court in Wuhan municipality, Hubei province, convicted and sentenced in connection with his reporting of COVID-19 death tolls in Wuhan around February 2020.[3] According to a leaked document, the Party Central Committee Political and Legal Affairs Commission (PLAC) recommended the specific criminal offense to invoke and the length of sentence to impose, both of which the court adopted.[4] In particular, the PLAC considered whether Fang should be charged with "inciting subversion of state power" but opted for the less political-sounding offense of "picking quarrels and provoking trouble," fearing that "hostile forces" would accuse the PRC government of suppressing COVID-19-related reporting.[5]

Arbitrary Detention

Authorities' use of arbitrary detention, including through extralegal or extrajudicial means, did not abate during this reporting year. The U.N. Working Group on Arbitrary Detention considers a detention arbitrary if 1) it has no legal basis, 2) it is used to suppress the exercise of universal human rights, 3) the detainee's due process rights are violated, 4) asylum seekers or refugees are subjected to prolonged detention, or 5) the detention is discriminatory on grounds such as religion, ethnicity, sexual orientation, and political opinion.[6] Arbitrary detention violates international human rights standards[7] and China's Constitution, which prohibits unlawful deprivation or restriction of a person's liberty.[8] All forms of arbitrary detention are prohibited under international law, including "detention within the framework of criminal justice, administrative detention, detention in the context of migration and detention in the health-care settings."[9]

Criminal Justice

Extrajudicial Detention

Types and examples of extrajudicial detention are as follows:

ENFORCED DISAPPEARANCE

Reports of enforced disappearance continued to emerge this past year.[10] Enforced disappearance is any form of deprivation of a person's liberty carried out by the government or with its acquiescence, followed by a refusal to acknowledge the detention or to disclose the detainee's whereabouts.[11] Examples are as follows:

- **Li Yanhe** (also known by his pen name Fucha), an editor involved in publishing books banned in China, disappeared after traveling from Taiwan to Shanghai municipality in March 2023 to visit his family.[12] In April 2023, the spokesperson for the PRC Taiwan Affairs Office confirmed that PRC authorities had detained Li and were investigating him for allegedly "endangering state security."[13]
- In October 2022, days before the 20th National Congress of the Chinese Communist Party, physicist **Peng Lifa** (also known as Peng Zaizhou) staged a solo protest in Beijing municipality, during which he displayed banners on a bridge, speaking out against the government's harsh COVID-19 policies, and demanding political reforms, including Xi Jinping's removal.[14] Authorities immediately detained Peng, holding him at an undisclosed location.[15]
- **Gao Zhisheng,** a human rights lawyer, remained missing for more than five years after his disappearance in August 2017.[16] Previously, authorities sentenced him to three years in prison for "inciting subversion of state power" and subjected him to constant surveillance after his release from prison in 2014.[17]

BLACK JAILS

The informal term "black jail" refers to buildings such as hotels and training centers that government officials or their agents use to detain people.[18] These extralegal detention facilities operate under different names, including "assistance and service centers" or "legal education centers."[19] Their existence and use have no legal basis, and people detained in such sites—many of whom are petitioners[20] and Falun Gong practitioners[21]—do not know when they will be released and do not have any procedural protection.[22]

Some people held in "black jails" suffer mistreatment. Petitioner **Feng Youmiao,** for example, was denied access to water and daily necessities when she was held in a "black jail" in February 2023 in Anqing municipality, Anhui province. A group of unidentified individuals seized her in Beijing and transported her back to Anqing, her hometown, in an apparent attempt to stop her from filing complaints about the forcible demolition of her property.[23] Similarly, petitioner **Yin Dengzhen** reported that people who extralegally held her in September 2022 in a hotel room in Shiyan municipality, Hubei province, beat her and refused to release her despite her having suffered from food poisoning, which prevented her from eating for two days.[24] Yin's captors claimed that COVID-19 measures were the basis of the detention, but it was reportedly a stability

maintenance measure ahead of the 20th Party Congress, given Yin's history of petitioning.[25]

PSYCHIATRIC FACILITIES

Forcibly committing individuals without mental illness to psychiatric facilities (*bei jingshenbing*) for acts such as expressing political opinions or grievances against the government continued during this past year,[26] despite domestic legal provisions prohibiting such abuse.[27] In particular, the U.N. Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care provide that a "determination that a person has a mental illness shall be made in accordance with internationally accepted medical standards" and must not be based on "political . . . or any other reason not directly relevant to mental health status."[28]

According to secondary sources examined by nongovernmental organization Safeguard Defenders, "99 people had been locked up in psychiatric wards 144 times in the seven years from 2015 to 2021, covering 109 hospitals in 21 provinces, municipalities or regions across China."[29] Legal prohibition appears to be ineffective, as "[d]octors and hospitals are either coerced by, or collude with, the authorities by allowing [arbitrary detention] to take place."[30] In December 2022, for example, authorities in Tianjin municipality committed university lecturer **Wu Yanan** to Tianjin Sheng'an psychiatric facility after she voiced support on social media for student protesters.[31] Thereafter, social media posts from Wu's and her parents' accounts admitted that Wu was suffering from mental illness, but a person familiar with the situation doubted the authenticity of the posts, adding that it was authorities' attempt to stigmatize someone who dared to speak out.[32]

ADMINISTRATIVE DETENTION

PRC authorities continued to use administrative detention to suppress freedoms such as protest,[33] movement,[34] religion,[35] and seeking redress.[36] Administrative detention is one of several types of administrative penalties authorized by the PRC Public Security Administration Punishment Law and the PRC Administrative Punishment Law[37] and is referenced in about 90 domestic laws and regulations.[38] Some political detainees are subjected to further criminal detention and prosecution after completion of administrative detention.[39] Examples from this past year are as follows:

- Police in Ha'erbin municipality, Heilongjiang province, ordered **Zhang Wangce** to serve 10 days of administrative detention after Zhang posted on social media about his experience of being arbitrarily detained in a psychiatric hospital.[40]
- In October 2022, government officials in Lhasa municipality, Tibet Autonomous Region, administratively detained 22 Tibetans to undergo an "internet security education" program after they had posted on the internet information about pandemic-related difficulties that people were experiencing.[41]
- In June 2022, domestic security protection officers in Longnan municipality, Gansu province, ordered rights defender **Long Kehai** to serve 20 days of administrative detention, ac-

cusing him of watching violent videos online and disseminating rumors.[42] Authorities later criminally prosecuted Long and sentenced him to two years in prison based on an indictment alleging that Long "had abusively scolded the country's leader and the socialist system."[43]

RETENTION IN CUSTODY

The PRC Supervision Law[44] authorizes the National Supervisory Commission (NSC) and its local branches to investigate suspected official misconduct using methods including "retention in custody" (*liuzhi*), an extrajudicial form of detention that allows NSC officials to hold individuals without legal representation.[45] The law applies to "Communist Party members or public sector personnel—virtually anyone working directly or indirectly for the government."[46] According to an official report, the Central Commission for Discipline Inspection and the NSC detained 5,006 persons under "retention in custody" in 2021 as part of their efforts to investigate corruption.[47]

Individuals retained in custody are held incommunicado and some reported being tortured. For example, entrepreneur Mu Deming—in the course of appealing his six-year sentence imposed by the Shuangjiang County People's Court in Lincang municipality, Yunnan province—testified that investigators deprived him of sleep, interrogated him for 18 hours each day in an interrogation chair, and pressured him by detaining his wife, causing him physical and mental harm.[48] Investigators denied having tortured Mu but said that the injuries were caused by the "solemness of *liuzhi*."[49]

Abuse of Criminal provisions

PRC authorities continued to suppress the exercise of universal human rights through the use of criminal charges. Commonly applied criminal charges include the following:

- **Crimes endangering state security** is a category of 12 offenses that carry a maximum penalty of life imprisonment and possibly the death penalty and have been lodged against government critics and rights lawyers.[50]
- **Picking quarrels and provoking trouble.** Authorities used "picking quarrels and provoking trouble" under Article 293 of the PRC Criminal Law to punish individuals including petitioners and rights advocates.[51] Chinese legal experts describe this criminal charge as a "pocket crime," in that it "is so broadly defined and ambiguously worded that prosecutors can apply it to almost any activity they deem undesirable, even if it may not otherwise meet the standards of criminality."[52] Lawyer and National People's Congress delegate Zhu Zhengfu continued to call for abolishing this criminal offense, as he has since 2008, on grounds that it is vague and may infringe on citizens' free speech right.[53]
- **Other Criminal Law provisions.** Authorities continued to charge members of religious communities and spiritual movements with "organizing and using a cult to undermine implementation of the law" under PRC Criminal Law Article 300.[54]

In addition, authorities accused individuals of other criminal offenses, including "gathering a crowd to disturb social order"[55] and "illegal business activity"[56] on account of activities protected under international human rights standards.[57]

Additional cases of note from this past year include the following.

- Feminist and labor rights advocate **Li Qiaochu** remained in pretrial detention as of June 2023 on the charge of "inciting subversion of state power."[58] After taking Li into custody in February 2020, authorities held her incommunicado, releasing her on bail two months later.[59] They formally arrested her in March 2021, holding her in Linyi municipality, Shandong province, after she had advocated for other detainees and made public the mistreatment that law lecturer and civil society advocate **Xu Zhiyong** suffered during his detention.[60] The indictment alleged that Li had maintained a blog for Xu that advocated toppling the socialist system.[61] As of April 2023, Li was suffering from depression and auditory hallucinations.[62]
- **Dong Yuyu,** a journalist at Party-run news outlet Guangming Daily, was indicted for "espionage" around March 2023.[63] Authorities in Beijing municipality detained Dong in February 2022 when he was having lunch with a Japanese diplomat, who also was detained.[64] The Washington, D.C.-based National Press Club in May 2023 issued an open letter signed by 120 journalists and academics and called on the PRC government to drop the charge, as "[m]eetings with foreign diplomats and journalists, as well as fellowships abroad, should not be construed as evidence of espionage . . .."[65]
- Beginning in late November 2022, police in Beijing detained people who peacefully protested the government's harsh zero-COVID policy and censorship around it, including **Cao Zhixin, Li Yuanjing, Zhai Dengrui,** and **Li Siqi,** on the charge of "picking quarrels and provoking trouble."[66] [For more information on the late November 2022 protests against the zero-COVID policy, see Chapter 1—Freedom of Expression, Chapter 2—Civil Society, Chapter 6—Governance, and Chapter 12—Public Health.]

Restriction of Liberty of Foreign Individuals

The PRC government continued to arbitrarily restrict the liberty of foreign individuals as leverage to advance its political goals,[67] a practice that has sharply escalated since 2018, as observed by the Australian Strategic Policy Institute (ASPI).[68] In a report published in August 2020, ASPI noted that this type of arbitrary detention often involved "enforced disappearances, unusual trial delays, harsh punishments, prolonged interrogations and lack of transparency to maximise the effects of coercion."[69] Furthermore, Chinese authorities are "known to reinstate Chinese citizenship to detainees to prevent them from being repatriated . . .."[70]

For example, U.S. citizen **Mark Swidan** has been in prison since 2012, as the Jiangmen Municipal Intermediate People's Court in Guangdong province in April 2023 dismissed the appeal of his reprieved death sentence stemming from a drug-related case that the U.N. Working Group on Arbitrary Detention found to be arbi-

trary.[71] In other cases, some foreign nationals who are not otherwise held at a detention facility are prevented from leaving China, an opaque practice referred to as an "exit ban."[72] Such bans can be the result of a civil lawsuit or part of the government's effort to pressure overseas relatives to return to China for law enforcement investigations.[73] About 30 U.S. citizens are currently estimated to be subject to an exit ban, as in the case of **Henry Cai,** whom authorities have prevented from leaving China since 2017 in connection with two civil cases that he previously was unaware of and for business debts that he said were not his.[74]

Torture and Abuse

Reports indicate that the practice of torture and abuse of detainees continues in China, a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a signatory.[75] For example, after rights lawyer **Zhou Shifeng** completed his seven-year prison term in September 2022, his relatives relayed that when he was held incommunicado in a guesthouse in Tianjin municipality between July 2015 and January 2016, armed police placed him under constant surveillance and ordered him to continually sit on a high stool with only brief periods of rest.[76] After being transferred to Tianjin Municipal Prison, Zhou was ordered to sit on the floor and was watched by two other inmates.[77] In an effort to prevent Zhou from drafting complaints about his custodial conditions, prison officials restrained both his hands and feet with shackles weighing 50 kilograms.[78] Additionally, authorities only allowed him to call his family twice in seven years, a privilege that other inmates enjoyed at least once a month.[79]

Death in Custody

Multiple reports of custodial death emerged this past year, including the following:

- In September 2022, **Dong Jianbiao** died in Chaling County Prison in Zhuzhou municipality, Hunan province, while serving a three-year sentence stemming from a domestic dispute with his ex-wife over how to help their daughter **Dong Yaoqiong,** whom authorities forcibly committed to a psychiatric hospital after she had splashed ink onto a poster of General Secretary Xi Jinping in 2018.[80] At the morgue, Dong Jianbiao's family observed extensive bruises and bleeding in the anus, contradicting authorities' assertion that Dong had died of diabetes.[81] Domestic security protection officers demanded that the body be cremated within five days and detained **Chen Siming,** who had publicized Dong's injuries.[82]
- In December 2022, Falun Gong practitioner **Pang Xun** died in custody in Jiazhou Prison in Leshan municipality, Sichuan province, while serving a five-year sentence in connection with disseminating Falun Gong materials.[83] Authorities claimed that Pang died from hyperthyroidism, but his body showed what appeared to be "electric baton marks, bruises, and binding marks" and signs of incontinence.[84]

Residential Surveillance at a Designated Location

PRC authorities continued to abuse the form of detention known as "residential surveillance at a designated location" (RSDL), which the PRC Criminal Procedure Law reserves for situations where the detainee does not have a permanent residence or if the case involves state security or terrorism.[85] The law does not provide for the right to family visits, requiring only that the family be notified of the fact of the detention within 24 hours if possible; it does not require the disclosure of the detention location.[86] The law further subjects counsel visits to approval by the investigation unit.[87] A group of U.N. experts deemed it "analogous to incommunicado and secretive detention and tantamount to enforced disappearance," which heighten the risk of torture and abuse.[88] Given the measure's lack of effective oversight and legal certainty, some experts have called for it to be abolished.[89]

Some reports indicate that authorities tortured detainees during RSDL and used the measure without invoking the criminal offenses that warrant its application. For example, police in Xi'an municipality, Shaanxi province, detained local Christians **Lian Changnian,** his son **Lian Xuliang,** and **Fu Juan** on the charge of "fraud" in connection with church activities and detained them under RSDL between August 2022 and February 2023.[90] During detention, police reportedly beat them, deprived them of food, and denied them access to a bathroom.[91] As of June 2023, Lian Changnian and the others continued to be held in pretrial detention.[92] In addition to religious practitioners, authorities also enforced RSDL on people who exercised their right to free speech.[93] In June 2022, for example, police in Yantai municipality, Shandong province, detained **Sun Fugui** (also known as Sun Jian) under RSDL after Sun posted on social media content that referenced the violent suppression of the 1989 Tiananmen protests.[94] Previously, the university that Sun studied at expelled him for posting protest videos online and criticizing the school's handling of the COVID-19 pandemic.[95] Sources do not show that authorities charged Sun with criminal offenses relating to state security or terrorism, the two grounds under which RSDL may be legally applied.[96]

Denial of Counsel and Family Visits

The Commission observed cases in which PRC authorities denied detainees the right to counsel and family visits, in violation of international law.[97] While domestic legal provisions permit counsel and family visits, they do not describe such visits as rights.[98] In particular, the PRC Criminal Procedure Law does not provide for family visits per se but permits visitation only if the family member is acting as a defense representative.[99] The law likewise circumscribes counsel visits during the investigation phase of a case if it involves state security, requiring prior permission by relevant authorities.[100]

Authorities did not allow rights lawyer **Xie Yang** to meet with his lawyer until May 2023, over a year after police in Changsha municipality, Hunan province, took him into custody in January 2022 for showing support for a teacher whom authorities committed to a psychiatric hospital.[101] In another case, in May 2023,

authorities refused to allow an aunt to visit **He Fangmei's** two minor children, whom authorities had detained in Gongji Psychiatric Hospital in Xinxiang municipality, Henan province.[102] Authorities detained He Fangmei and her husband, **Li Xin,** in October 2020, because they began petitioning, calling for stricter government regulations after their elder daughter was rendered disabled due to a defective vaccine.[103] He Fangmei's younger daughter was born in and never left the psychiatric hospital, and sources do not indicate that the children suffer from mental illness.[104]

The Death Penalty

China continued to lead the world in the number of executions conducted in 2022, according to Amnesty International's 2022 annual report on death sentences and executions.[105] Amnesty International estimated the number of executions in China to be somewhere in the thousands, but this figure could not be substantiated by official sources due to the lack of transparency, as PRC authorities deem death penalty information to be a "state secret."[106] Under the PRC Criminal Law, a total of 46 crimes carry the death penalty, nearly half of which are nonviolent crimes.[107] In October 2022, two U.N. experts avowed that the imposition of the death penalty in nonviolent crimes "fail[ed] the 'most serious crime' standard for the application of capital punishment under international law."[108]

Under PRC law, nonviolent crimes that carry the death penalty include corruption offenses, which are susceptible to being abused to serve political objectives. In its 2022 report, Amnesty International identified 10 cases in which former officials were convicted on corruption charges and were sentenced to death with a two-year reprieve.[109] Among them were high-ranking Party officials Sun Lijun and Fu Zhenghua, who were sentenced in September 2022.[110] According to a U.S.-based scholar, the timing of Fu's sentence—imposed before the 20th Party Congress in mid-October—was "no coincidence, and was intended as a warning to Xi's rivals and detractors within the highest echelons of the CCP."[111]

Legal Developments

In October 2022, the Supreme People's Court and three other official bodies issued an opinion directing their counterparts at the provincial level to implement a pilot program in selected prefecture-level municipalities to provide defense counsel for eligible criminal defendants.[112] The pilot program was the latest development in an initiative that began in October 2017, which provided criminal defendants in eight provinces with legal representation during trial.[113] The new pilot program extended coverage to pretrial stages, including investigation and indictment.[114] It also complemented the plea leniency system, which reportedly has been used in over 85 percent of criminal cases since its establishment in 2018.[115]

Notes to Chapter 4—Criminal Justice

[1] Rights Defense Network, "Weiquan Wang: Zhongguo dalu zaiya zhengzhifan, liangxinfan yuedu baogao (2023 nian 2 yue 28 ri) di 89 qi (gong 1486 ren) (yi)" [Rights Defense Network: Monthly report on political prisoners and prisoners of conscience detained in mainland China (February 28, 2023) No. 89 (total 1,486 persons) (I)], February 28, 2023.

[2] *Zhongguo Gongchandang Zhengfa Gongzuo Tiaoli* [Chinese Communist Party Regulations on Political-Legal Work], effective January 13, 2019, arts. 7, 8; Supreme People's Court, "Zuigao Renmin Fayuan gongzuo baogao" [Work Report of the Supreme People's Court], March 7, 2023, 27.

[3] Rights Defense Network, "Hubei Wuhan gongmin jizhe, renquan hanweizhe Fang Bin zao mimi shenpan huoxing 3 nian de jueding laizi Zhonggong Zhongyang Zhengfawei de zhijie bushu fayuan jiushi baishe yifa zhiguo jiushi xiaohua" [Hubei Wuhan citizen journalist Fang Bin was tried in closed proceedings and was sentenced to 3 years in prison. The case was arranged directly by the Central PLAC and the court was only going through the motions, illustrating that rule-based governance is a joke], April 23, 2023.

[4] Rights Defense Network, "Hubei Wuhan gongmin jizhe, renquan hanweizhe Fang Bin zao mimi shenpan huoxing 3 nian de jueding laizi Zhonggong Zhongyang Zhengfawei de zhijie bushu fayuan jiushi baishe yifa zhiguo jiushi xiaohua" [Hubei Wuhan citizen journalist Fang Bin was tried in closed proceedings and was sentenced to 3 years in prison. The case was arranged directly by the Central PLAC and the court was only going through the motions, illustrating that rule-based governance is a joke], April 23, 2023.

[5] Rights Defense Network, "Hubei Wuhan gongmin jizhe, renquan hanweizhe Fang Bin zao mimi shenpan huoxing 3 nian de jueding laizi Zhonggong Zhongyang Zhengfawei de zhijie bushu fayuan jiushi baishe yifa zhiguo jiushi xiaohua" [Hubei Wuhan citizen journalist Fang Bin was tried in closed proceedings and was sentenced to 3 years in prison. The case was arranged directly by the Central PLAC and the court was only going through the motions, illustrating that rule-based governance is a joke], April 23, 2023.

[6] See, e.g., U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its 78th session, (19–27 April 2017), A/HRC/WGAD/2017/5, July 28, 2017.

[7] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 9; International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 9.

[8] *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 37.

[9] U.N. Human Rights Council, Working Group on Arbitrary Detention, Deliberation No. 11 on Prevention of Arbitrary Deprivation of Liberty in the Context of Public Health Emergencies, May 8, 2020, para. 7.

[10] "Taiwan Baqi Wenhua zongbian yi zai Zhongguo shilian Luweihui biao guanzhu" [Chief editor of Taiwan Baqi Culture believed to have been disappeared in China, Mainland Affairs Council expresses concerns], *Radio Free Asia,* April 20, 2023.

[11] U.N. Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, Addendum, Best Practices on Enforced Disappearances in Domestic Criminal Legislation, A/HRC/16/48/Add.3, December 28, 2010.

[12] "Taiwan Baqi Wenhua zongbian yi zai Zhongguo shilian Luweihui biao guanzhu" [Chief editor of Taiwan Baqi Culture believed to have been disappeared in China; Mainland Affairs Council expresses concerns], *Radio Free Asia,* April 20, 2023; Chinese Human Rights Defenders, "China: Immediately Release Detained Journalists on World Press Freedom Day," May 1, 2023.

[13] Yin Yanhui, "Guotaiban: Li Yanhe shexian congshi weihai guojia anquan huodong zhengzai jieshou guojia anquan jiguan diaocha" [State Council Taiwan Affairs Office: Li Yanhe was under investigation by state security authorities on suspicion of endangering state security], Global Times, April 26, 2023.

[14] Chinese Human Rights Defenders, "Peng Lifa (Peng Lifa)," December 29, 2022.

[15] Chinese Human Rights Defenders, "Winners Named for the 2023 Cao Shunli Memorial Award for Human Rights Defenders: Xu Qin and Peng Lifa," March 14, 2023.

[16] "Zhongguo yiyi renshi Gao Zhisheng turan cong jiali shizong" [Chinese dissident Gao Zhisheng suddenly disappeared from his home], *Radio Free Asia,* August 14, 2017; Michael Bristow, "Gao Zhisheng shizong wu nian BBC zhuanfang Geng He: 'Wo beipo zai zhangfu he haizi zhijian zuo xuanze'"[Five years after Gao Zhisheng's disappearance; Geng He says in a BBC exclusive interview: "I was forced to make a choice between my husband and my child"], *BBC,* November 19, 2022.

[17] "Zhongguo yiyi renshi Gao Zhisheng turan cong jiali shizong" [Chinese dissident Gao Zhisheng suddenly disappeared from his home], *Radio Free Asia,* August 14, 2017; Michael Bristow, "Gao Zhisheng shizong wu nian BBC zhuanfang Geng He: 'Wo beipo zai zhangfu he haizi zhijian zuo xuanze'" [Five years after Gao Zhisheng's disappearance; Geng He says in a BBC exclusive interview: "I was forced to make a choice between my husband and my child"], *BBC,* November 19, 2022.

[18] "Zhongguo heijianyu daguan" [Overview of black jails in China], *Radio Free Asia,* May 7, 2019.

[19] "Zhongguo heijianyu daguan" [Overview of black jails in China], *Radio Free Asia,* May 7, 2019.

[20] See, e.g., Civil Rights & Livelihood Watch, "Ren Chunhua bei guan 'xuexiban' zao nüeda" [Ren Chunhua detained in "study class," suffered beating], August 10, 2021.

[21] See, e.g., Li Chencai, "Hebei Honghe binguan she heijianyu geng duo neimu xianwei renzhi" [Hotel in Honghe, Hebei, has black jail installed, more rarely known inside information], *Epoch Times,* November 17, 2021.

[22] "Zhongguo heijianyu daguan" [Overview of black jails in China], *Radio Free Asia,* May 7, 2019.
[23] Rights Defense Network, "Anhui nü fangmin Feng Youmiao zai Jing bei bangjia hui qiujin heijianyu yuqing shehui guanzhu" [Female petitioner Feng Youmiao from Anhui is sent back from Beijing, held in black jail; calls on public to pay attention to the case], February 5, 2023.
[24] Rights Defense Network, "Hubei weiquan renshi Yin Dengzhen bei qiujin heijianyu yi shi tian yi shiwu zhongdu" [Hubei rights defender Yin Dengzhen has been detained for ten days, believed to be suffering from food poisoning], September 19, 2022.
[25] Rights Defense Network, "Hubei weiquan renshi Yin Dengzhen bei qiujin heijianyu yi shi tian yi shiwu zhongdu" [Hubei rights defender Yin Dengzhen has been detained for ten days, believed to be suffering from food poisoning], September 19, 2022.
[26] Safeguard Defenders, "Mental Torture: China Is Locking Up Critics in Psychiatric Facilities," August 16, 2022.
[27] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, arts. 27, 29, 30, 32, 75(5), 78(1); Supreme People's Procuratorate, *Renmin Jianchayuan Qiangzhi Yiliao Zhixing Jiancha Banfa* (Shixing) [Measures on the Examination of Implementation of Compulsory Medical Treatment by People's Procuratorates (Trial)], issued May 13, 2016, effective June 2, 2016, arts. 9, 12.
[28] Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, adopted by U.N. General Assembly resolution 46/119 of December 17, 1991, principle 4(1), (2).
[29] Safeguard Defenders, "Mental Torture: China Is Locking Up Critics in Psychiatric Facilities," August 16, 2022.
[30] Safeguard Defenders, "Mental Torture: China Is Locking Up Critics in Psychiatric Facilities," August 16, 2022.
[31] Yitong Wu, "Punishment for Supporting Protests: Philosophy Lecturer Sent to Psychiatric Hospital," *Radio Free Asia,* December 15, 2022. For more information on Wu Yanan, see the Commission's Political Prisoner Database record 2022-00205.
[32] Yitong Wu, "Punishment for Supporting Protests: Philosophy Lecturer Sent to Psychiatric Hospital," *Radio Free Asia,* December 15, 2022.
[33] Rights Defense Network, "Weiquanwang qianglie yaoqiu Zhonggong liji shifang quanbu 'Baizhi Kangyi' yundong zhong bei bu renshi" [Rights Defense Network strongly demands that the CCP immediately release everyone who was detained during the "White Paper Protest" movement], January 5, 2023.
[34] "Chujing hou fanguo liangming Zhongguo Jidutu zao pan 'touyue guojing zui'" [Two Chinese Christians convicted of "illegal border crossing" after returning to the country from abroad], *Radio Free Asia,* November 7, 2022.
[35] ChinaAid Association, "Shanxi dangju chongji Taiyuan Xuncheng Guizheng Jiaohui ertong xialingying, An Yankui chuandaoren deng si ren bei xingzheng juliu" [Shanxi authorities attack the summer school of Xuncheng's Reformed Church, four people including An Yankui administratively detained], July 27, 2023.
[36] Rights Defense Network, "Liaoning fangmin Li Xiaodong yin 60 tian nei sanci shangfang bei gong'an juliu qi tian" [Petitioner Li Xiaodong from Liaoning detained for seven days by public security officials for petitioning three times within 60 days], January 15, 2023.
[37] *Zhonghua Renmin Gongheguo Zhi'an Guanli Chufa Fa* [PRC Public Security Administration Punishment Law], passed August 28, 2005, amended October 26, 2012, effective January 1, 2013, art. 10; *Zhonghua Renmin Gongheguo Xingzheng Chufa Fa* [PRC Administrative Penalty Law], passed March 17, 1996, amended January 22, 2021, effective July 15, 2021, art. 9.
[38] Ministry of Public Security, *Weifan Gong'an Xingzheng Guanli Xingwei de Mingcheng ji Qi Shiyong Yijian* [Opinion on the Titles and Applicable Laws for Public Security Administrative Violations], issued August 6, 2020.
[39] See, e.g., Civil Rights & Livelihood Watch, "Hunan chuandaoren yin juhui bei juliu zhuan xingju" [Preacher in Hunan detained for gathering transferred to criminal detention], June 12, 2023.
[40] Rights Defense Network, "Ha'erbin gongmin Zhang Wangce yin zai baoguang Ha'erbinshi Nangang jingcha bei juliu 10 ri" [Zhang Wangce, citizen of Harbin, detained for 10 days for exposing [unlawful conduct] by police in Nangang, Harbin], June 11, 2023.
[41] Rights Defense Network, "Xizang Zizhiqu Lasa shushi ren yin fabu yiqing dongtai xinxi ji zao juliu jieshou 'wangluo anquan jiaoyu'" [Dozens of people in Lhasa, Tibet Autonomous Region, are detained for disseminating dynamic pandemic control information, receive "internet security education"], October 15, 2022.
[42] Rights Defense Network, "Gansu Huixian minzhu weiquan renshi Long Kehai zai Chengdu zao qiangxing qianfan juliu" [Democracy and rights advocate Long Kehai from Hui county, Gansu province, is detained after being forcibly returned from Chengdu], June 27, 2022. For more information on Long Kehai, see the Commission's Political Prisoner Database record 2019-00490.
[43] Civil Rights & Livelihood Watch, "Long Kehai yin Tuite yanlun huoxing liang nian" [Long Kehai sentenced to two years for speech on Twitter], February 10, 2023.
[44] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018.
[45] *Zhonghua Renmin Gongheguo Jiancha Fa* [PRC Supervision Law], passed and effective March 20, 2018, art. 22.
[46] Amnesty International, "China: New Supervision Law a Systemic Threat to Human Rights," March 20, 2018.
[47] "Zhao Leji zai shijiu jie Zhongyang Jiwei liu ci quanhui shang de gongzuo baogao" [Zhao Leji presents work report at the Sixth Plenary Session of the Nineteenth Central Commission for Discipline Inspection], February 24, 2022.

[48] "Qiyejia tongchen zao xingxun shoushang, Jianchawei renyuan: Zheshi liuzhi yansuxing dai lai de" [Entrepreneur painfully recounts experience of being injured due to torture, Supervision Commission officials say: This is caused by the serious nature of liuzhi], *Sina,* August 16, 2022.
[49] "Qiyejia tongchen zao xingxun shoushang, Jianchawei renyuan: Zheshi liuzhi yansuxing dai lai de" [Entrepreneur painfully recounts experience of being injured due to torture, Supervision Commission officials say: This is caused by the serious nature of liuzhi], Sina, August 16, 2022.
[50] *Zhonghua Renmin Gongheguo Xingfa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, arts. 102–5, 107–13.
[51] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 293; Luo Xiang, "Pocket Monsters: How 'Pocket Crimes' Warp China's Legal System," *Sixth Tone,* January 7, 2019.
[52] Luo Xiang, "Pocket Monsters: How 'Pocket Crimes' Warp China's Legal System," *Sixth Tone,* January 7, 2019; Frances Eve, Chinese Human Rights Defenders, "Twitter Becomes Chinese Government's Double Weapon: Punishing Dissent and Propagating Disinformation," May 11, 2020.
[53] "Zhongguo Lianghui: Renda daibiao Zhu Zhengfu chixu tiyi quxiao xunxin zishi zui 'dingxing yanzhong quefa yansu xing'" [Two Sessions in China: NPC delegate Zhu Zhengfu continues to call for abolishing picking quarrels and provoking troubles as a criminal offense, saying that "the definition seriously lacks integrity"], *BBC,* March 2, 2023.
[54] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 300; U.S. Commission on International Religious Freedom, "2023 Annual Report," April 2023.
[55] See, e.g., Rights Defense Network, "'Yin 'Baizhi Kangyi Yundong' zai Beijing bei zhuabu reng bei jiya de Li Siqi nüshi xiangguan xinxi" [Information relating to Ms. Li Siqi, who was taken into custody and detained in connection with the "White Paper Protest Movement"], January 26, 2023.
[56] See, e.g., "Anhui Wuhu jiaohui 'feifa jingying' an kaiting Xuande Xuetang liang jiaoshi bei jianshi juzhu" [Court hearing commences in the case concerning "illegal business activities" charges against a church in Wuhu, Anhui; two teachers from Xuande Academy subjected to residential surveillance], *Radio Free Asia,* January 15, 2023.
[57] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 18, 19, 20; International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 18, 19, 21.
[58] "Li Qiaochu an zaici bei gezhi Li bingqing yanzhong" [The case of Li Qiaochu is adjourned again; Li's poor health condition is serious], *Radio Free Asia,* June 22, 2023. For more information about Li Qiaochu, see the Commission's Political Prisoner Database record 2020-00129.
[59] Independent Chinese PEN Center, "Zhuming renquan hanweizhe nüquan renshi Li Qiaochu jinri shengri yi bei jiya jin 2 nian" [Today is the birthday of renowned human rights defender and feminist Li Qiaochu, who has been in detention for nearly 2 years], January 13, 2023.
[60] Independent Chinese PEN Center, "Zhuming renquan hanweizhe nüquan renshi Li Qiaochu jinri shengri yi bei jiya jin 2 nian" [Today is the birthday of renowned human rights defender and feminist Li Qiaochu, who has been in detention for nearly 2 years], January 13, 2023. For more information on Xu Zhiyong, see the Commission's Political Prisoner Database record 2005-00199.
[61] Independent Chinese PEN Center, "Zhuming renquan hanweizhe nüquan renshi Li Qiaochu jinri shengri yi bei jiya jin 2 nian" [Today is the birthday of renowned human rights defender and feminist Li Qiaochu, who has been in detention for nearly 2 years], January 13, 2023.
[62] "Li Qiaochu an zaici bei gezhi Li bingqing yanzhong" [The case of Li Qiaochu is adjourned again; Li's poor health condition is serious], *Radio Free Asia,* June 22, 2023.
[63] "Guanya yunian 'Guangming Ribao' pinglunbu fu zhuren Dong Yuyu bei kong jiandie zui" [Dong Yuyu, deputy director of the opinion section of "Guangming Daily" who has been detained for more than a year, accused of espionage], *Radio Free Asia,* April 25, 2023.
[64] "Guanya yunian 'Guangming Ribao' pinglunbu fu zhuren Dong Yuyu bei kong jiandie zui" [Dong Yuyu, deputy director of the opinion section in "Guangming Daily" who has been detained for more than a year, accused of espionage], *Radio Free Asia,* April 25, 2023.
[65] National Press Club, "National Press Club Leadership Signs Open Letter On Chinese Journalist Yuyu Dong," May 31, 2023.
[66] Rights Defense Network, "Baizhi Yundong zhong zai Beijing zao zhuabu de Cao Zhixin, Li Yuanjing, Zhai Dengrui, Li Siqi si ren yi huoshi" [Cao Zhixin, Li Yuanjing, Zhai Dengrui, and Li Siqi, who were detained in Beijing in connection with the White Paper movement, have been released], April 20, 2023.
[67] Daren Nair and Harrison Li, "Free Kai Li, American Held in China," October 13, 2021, in *Pod Hostage Diplomacy;* Michael Martina, "Exclusive: American Barred from Leaving China Returned to U.S. before Biden-Xi Meeting," *Reuters,* November 18, 2021; James Griffiths, "Which Canadians Are Left in Chinese Prisons?," *Globe and Mail,* September 28, 2021.
[68] Margaret McCuaig-Johnston, "Opinion: There Is Nothing Diplomatic about Hostage Diplomacy," *Star,* March 10, 2021; Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, "The Chinese Communist Party's Coercive Diplomacy," Policy Brief, Report No. 36/2020.
[69] Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, "The Chinese Communist Party's Coercive Diplomacy," Policy Brief, Report No. 36/2020.
[70] Fergus Hanson, Emilia Currey, and Tracy Beattie, Australian Strategic Policy Institute, "The Chinese Communist Party's Coercive Diplomacy," Policy Brief, Report No. 36/2020.
[71] Jennifer Hansler and Nectar Gan, "US 'Disappointed' by Chinese Court's Decision to Uphold Death Sentence for American Citizen," *CNN,* April 14, 2023; U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 72/2019 concerning Mark Swidan (China), A/HRC/WGAD/2019/72, February 5, 2020.

[72] James T. Areddy and Brian Spegele, "Dozens of Americans Are Barred from Leaving China, Adding to Tensions," *Wall Street Journal,* November 13, 2022.
[73] James T. Areddy and Brian Spegele, "Dozens of Americans Are Barred from Leaving China, Adding to Tensions," *Wall Street Journal,* November 13, 2022.
[74] James T. Areddy and Brian Spegele, "Dozens of Americans Are Barred from Leaving China, Adding to Tensions," *Wall Street Journal,* November 13, 2022.
[75] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted by U.N. General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987; United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), accessed July 6, 2023. China signed the CAT on December 12, 1986, and ratified it on October 4, 1988.
[76] "Zhou Shifeng qi nian laoyu yu qinren tonghua jin liang ci fadai wushi jin jiaoliao" [Zhou Shifeng allowed to talk to his family members only two times over his seven-year prison term; ordered to wear shackles weighing fifty kilograms as punishment], *Radio Free Asia,* December 15, 2022.
[77] "Zhou Shifeng qi nian laoyu yu qinren tonghua jin liang ci fadai wushi jin jiaoliao" [Zhou Shifeng allowed to talk to his family members only two times over his seven-year prison term; ordered to wear shackles weighing fifty kilograms as punishment], *Radio Free Asia,* December 15, 2022.
[78] "Zhou Shifeng qi nian laoyu yu qinren tonghua jin liang ci fadai wushi jin jiaoliao" [Zhou Shifeng allowed to talk to his family members only two times over his seven-year prison term; ordered to wear shackles weighing fifty kilograms as punishment], *Radio Free Asia,* December 15, 2022.
[79] "Zhou Shifeng qi nian laoyu yu qinren tonghua jin liang ci fadai wushi jin jiaoliao" [Zhou Shifeng allowed to talk to his family members only two times over his seven-year prison term; ordered to wear shackles weighing fifty kilograms as punishment], *Radio Free Asia,* December 15, 2022.
[80] Gao Feng and Yitong Wu, "Father of Woman Who Splashed Xi Jinping Poster with Ink Dies Suddenly in Jail," *Radio Free Asia,* September 26, 2022; "'Pomo nühai' fuqin Dong Jianbiao yuzhong quanshen shang siwang guobao yaoqiu 5 ri nei huohua" [Dong Jianbiao, father of "Ink Splash Girl," died in prison with injuries all over his body; domestic security protection personnel demanded cremation within 5 days], *Channel C HK,* September 26, 2022.
[81] Gao Feng and Yitong Wu, "Father of Woman Who Splashed Xi Jinping Poster with Ink Dies Suddenly in Jail," *Radio Free Asia,* September 26, 2022; "'Pomo nühai' fuqin Dong Jianbiao yuzhong quanshen shang siwang guobao yaoqiu 5 ri nei huohua" [Dong Jianbiao, father of "Ink Splash Girl," died in prison with injuries all over his body; domestic security protection personnel demanded cremation within 5 days], *Channel C HK,* September 26, 2022.
[82] Gao Feng and Yitong Wu, "Father of Woman Who Splashed Xi Jinping Poster with Ink Dies Suddenly in Jail," *Radio Free Asia,* September 26, 2022; "'Pomo nühai' fuqin Dong Jianbiao yuzhong quanshen shang siwang guobao yaoqiu 5 ri nei huohua" [Dong Jianbiao, father of "Ink Splash Girl," died in prison with injuries all over his body; domestic security protection personnel demanded cremation within 5 days], *Channel C HK,* September 26, 2022. For more information, see the Commission's Political Prisoner Database records 2018-00343 on Dong Yaoqiong, 2018-00413 on Dong Jianbiao, and 2020-00174 on Chen Siming.
[83] Rights Defense Network, "Yuan Sichuan Sheng Renmin Guangbo Diantai zhuchiren, Falun Gong xueyuan Pang Xun zai yu zhong zao pohai zhisi" [Former host of Sichuan Provincial People's Broadcast and Television Station and Falun Gong practitioner Pang Xun died in prison from persecution], February 13, 2023; Rights Defense Network, "Huoxing 5 nian bing zao Zhonggong dangju canku pohai cansi yuzhong de yuan Sichuan Renmin Guangbo Dianshitai zhuchiren Falun Gong xueyuan Pang Xun de jianli" [Brief biography of former host of Sichuan People's Broadcast and Television Station and Falun Gong practitioner Pang Xun, who died in prison as a result of cruel persecution by Chinese Communist authorities while serving a 5-year sentence], February 16, 2023; "30-Year-Old Falun Gong Practitioner Beaten to Death in Prison," *Falun Info,* February 14, 2023. For more information on Pang Xun, see the Commission's Political Prisoner Database record 2023-00065.
[84] Rights Defense Network, "Yuan Sichuan Sheng Renmin Guangbo Diantai zhuchiren, Falun Gong xueyuan Pang Xun zai yu zhong zao pohai zhisi" [Former host of Sichuan Provincial People's Broadcast and Television Station and Falun Gong practitioner Pang Xun died in prison from persecution], February 13, 2023; Rights Defense Network, "Huoxing 5 nian bing zao Zhonggong dangju canku pohai cansi yuzhong de yuan Sichuan Renmin Guangbo Dianshitai zhuchiren Falun Gong xueyuan Pang Xun de jianli" [Brief biography of former host of Sichuan People's Broadcast and Television Station and Falun Gong practitioner Pang Xun, who died in prison as a result of cruel persecution by Chinese Communist authorities while serving a 5-year sentence], February 16, 2023; "30-Year-Old Falun Gong Practitioner Beaten to Death in Prison," *Falun Info,* February 14, 2023.
[85] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.
[86] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.
[87] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 75.
[88] U.N. Human Rights Council, "Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special

Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the right to privacy; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment," OL CHN 15/2018, August 24, 2018.

[89] Letter from Mandate of the Working Group on Arbitrary Detention et al., OL CHN 15/2018, August 24, 2018; Letter Mandate of the Special Rapporteur on the situation of human rights defenders et al., AL CHN 16/2020, August 13, 2020; China Human Rights Lawyers Concern Group, "It's No Secret that China's Residential Surveillance in Designated Location is Secret Detention," *Jurist,* December 16, 2020; Guo Shuo, "Lun zuowei 'chao yiya shouduan' de zhiding jusuo jianshi juzhu zhidu" [Discussion on the system of residential surveillance at a designated location, a system known as "a measure that goes beyond detention"], *Wuhan University Journal* 69, no. 6 (November 2016): 119–25; Hu Yingshuai and Ye Gengqing, "Zhiding jusuo jianshi juzhu feichu zhi biyao" [The necessity of abolishing residential surveillance at a designated location], website of Lawyer Zhou Chuikun, reprinted in Sohu, March 14, 2020.

[90] Civil Rights & Livelihood Watch, "Xi'an Fengsheng Jiaohui zaici bei yanqi jiya" [Detentions of people in Xi'an Fengsheng Church case are again extended], June 22, 2023.

[91] Civil Rights & Livelihood Watch, "Xi'an Fengsheng Jiaohui zaici bei yanqi jiya" [Detentions of people in Xi'an Fengsheng Church case are again extended], June 22, 2023.

[92] Civil Rights & Livelihood Watch, "Xi'an Fengsheng Jiaohui zaici bei yanqi jiya" [Detentions of people in Xi'an Fengsheng Church case are again extended], June 22, 2023.

[93] Rights Defense Network, "Zao Zhonggong dangju qiangpo shizong bannian de yuan Ludong Daxue shuoshi yanjiusheng Sun Fugui huoshi" [Former Ludong University graduate student Sun Fugui released after being forcibly disappeared for half a year by Chinese Communist authorities], February 1, 2023.

[94] Rights Defense Network, "Zao Zhonggong dangju qiangpo shizong bannian de yuan Ludong Daxue shuoshi yanjiusheng Sun Fugui huoshi" [Former Ludong University graduate student Sun Fugui released after being forcibly disappeared for half a year by Chinese Communist authorities], February 1, 2023.

[95] Rights Defense Network, "Zao Zhonggong dangju qiangpo shizong bannian de yuan Ludong Daxue shuoshi yanjiusheng Sun Fugui huoshi" [Former Ludong University graduate student Sun Fugui released after being forcibly disappeared- for half a year by Chinese Communist authorities], February 1, 2023.

[96] See, e.g., Rights Defense Network, "Zao Zhonggong dangju qiangpo shizong bannian de yuan Ludong Daxue shuoshi yanjiusheng Sun Fugui huoshi" [Former Ludong University graduate student Sun Fugui released after being forcibly disappeared by Chinese Communist authorities], February 1, 2023.

[97] International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 14(3)(b); United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), adopted by U.N. General Assembly resolution 2015/20, A/C.3/70/L.3, September 29, 2015, rules 58, 61; Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, adopted by U.N. General Assembly resolution 43/173 of December 9, 1988, principles 18, 19.

[98] *Zhonghua Renmin Gongheguo Kanshousuo Tiaoli* [PRC Public Security Detention Center Regulations], issued and effective March 17, 1990, arts. 28, 32; *Kanshousuo Liusuo Zhixing Xingfa Zuifan Guanli Banfa* [Management Measures for Carrying Out Punishment in Public Security Detention Centers], passed August 20, 2013, effective November 23, 2013, arts. 45, 46; *Zhonghua Renmin Gongheguo Jianyu Fa* [PRC Prison Law], passed and effective December 29, 1994, art. 48; Zhonghua Renmin Gongheguo Xingshi Susong Fa [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 38, 39, 293.

[99] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, arts. 33(3), 39.

[100] *Zhonghua Renmin Gongheguo Xingshi Susong Fa* [PRC Criminal Procedure Law], passed July 1, 1979, amended and effective October 26, 2018, art. 39.

[101] Chinese Human Rights Defenders, "Xie Yang (Xie Yang)," September 6, 2016. For more information on Xie Yang, see the Commission's Political Prisoner Database record 2015-00295.

[102] Rights Defense Network, "Ge renquan jigou lianshu: Huyu wei zai Zhongguo bei guanzai jingshen bingyuan liang nian duo de 6 sui he 2 sui nühai caiqu jinji xingdong de gongkaixin" [Joint letter by various human rights organizations: Open letter calling for urgent action for the 6- and 2-year-old girls who have been detained in a psychiatric hospital in China for more than two years], July 8, 2023.

[103] Rights Defense Network, "Ge renquan jigou lianshu: Huyu wei zai Zhongguo bei guanzai jingshenbingyuan liang nian duo de 6 sui he 2 sui nühai caiqu jinji xingdong de gongkaixin" [Joint letter by various human rights organizations: Open letter calling for urgent action for the 6- and 2-year-old girls who have been detained in a psychiatric hospital in China for more than two years], July 8, 2023.

[104] Rights Defense Network, "Ge renquan jigou lianshu: Huyu wei zai Zhongguo bei guanzai jingshenbingyuan liang nian duo de 6 sui he 2 sui nühai caiqu jinji xingdong de gongkaixin" [Joint letter by various human rights organizations: Open letter calling for urgent action for the 6- and 2-year-old girls who have been detained in a psychiatric hospital in China for more than two years], July 8, 2023.

[105] Amnesty International, "Death Sentences and Executions 2022," Amnesty International Global Reports, ACT 50/6548/2023, May 16, 2023, 21.

[106] Amnesty International, "Death Sentences and Executions 2022," Amnesty International Global Reports, ACT 50/6548/2023, May 16, 2023, 6, 24.

[107] China Against the Death Penalty, reprinted in World Coalition Against the Death Penalty, "The Status Quo of China's Death Penalty and the Civil Society Abolitionist Movement," February 15, 2022.

[108] Office of the U.N. High Commissioner for Human Rights, "UN Experts Warn of Associated Torture and Cruel Punishment," October 10, 2022.
[109] Amnesty International, "Death Sentences and Executions 2022," Amnesty International Global Reports, ACT 50/6548/2023, May 16, 2023, 26.
[110] "Former Chinese Deputy Police Minister Sentenced for Graft," *Associated Press,* September 23, 2022; William Zheng, "Former Chinese Justice Minister Fu Zhenghua Jailed for Life for Corruption," *South China Morning Post,* September 22, 2022.
[111] Tang Yuanyuan, "Xi Jinping 'Warns His Opponents' with Suspended Death Sentences to Former Top Cops," *Radio Free Asia,* September 23, 2022.
[112] Supreme People's Court et al., *Gaofayuan Gaojianyuan Gong'anbu Sifabu guanyu jinyibu shenhua xingshi anjian lüshi bianhu quan fugai shidian gongzuo de yijian* [Opinion of Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice concerning the pilot program to further deepen the work on the complete coverage for legal defense in criminal cases], issued October 12, 2022.
[113] Supreme People's Court et al., *Gaofayuan Gaojianyuan Gong'anbu Sifabu guanyu jinyibu shenhua xingshi anjian lüshi bianhu quan fugai shidian gongzuo de yijian* [Opinion of Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice concerning the pilot program to further deepen the work on the complete coverage for legal defense in criminal cases], issued October 12, 2022.
[114] Supreme People's Court et al., *Gaofayuan Gaojianyuan Gong'anbu Sifabu guanyu jinyibu shenhua xingshi anjian lüshi bianhu quan fugai shidian gongzuo de yijian* [Opinion of Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice concerning the pilot program to further deepen the work on the complete coverage for legal defense in criminal cases], issued October 12, 2022.
[115] Supreme People's Court et al., *Gaofayuan Gaojianyuan Gong'anbu Sifabu guanyu jinyibu shenhua xingshi anjian lüshi bianhu quan fugai shidian gongzuo de yijian* [Opinion of Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, and Ministry of Justice concerning the pilot program to further deepen the work on the complete coverage for legal defense in criminal cases], issued October 12, 2022; Xu Hanqing, "Chen Weidong: Shixian xin shidai xingshi bianhu de gao zhiliang fazhan" [Chen Weidong: Achieving the high quality development of criminal defense in the new era], *Legal Daily*, December 2, 2022.

ACCESS TO JUSTICE

Findings

- In the annual work report delivered in March 2023 at the meeting of the National People's Congress, Supreme People's Court (SPC) President Zhou Qiang emphasized the Chinese Communist Party's absolute leadership over the judiciary and reported having endeavored to strengthen political loyalty, protect political security, and educate court personnel about safeguarding Party General Secretary Xi Jinping's core leadership position. Rather than promoting judicial independence, reform efforts focused on improving organizational and bureaucratic efficiency in accordance with the Party's plans. While the work report claimed there had been improvements to judicial transparency, authorities had removed a significant number of judgments from an online judgment disclosure database, particularly in the areas of criminal cases and administrative litigation.
- Central authorities further formalized the Party's leadership in the petitioning system as part of an institutional reform that aimed at extending the Party's control over society as a whole. The petitioning system (*xinfang*) operates outside of the formal legal system as a channel for citizens to present their grievances in hopes of triggering discretionary involvement by Party officials in providing a resolution. Under a recently announced institutional reform plan, the government agency that oversaw petitioning was to be led by a functional department of the Party that coordinates and guides work relating to petitions and collecting citizens' suggestions.
- Petitioners continued to face persecution in the form of arbitrary detention in extralegal facilities. Some of those detained suffered mistreatment, including physical assault and electric shock.
- The space for human rights lawyers to operate continued to shrink in the wake of a nationwide crackdown that began in July 2015. As of February 2023, at least 14 human rights lawyers were under different forms of restrictions on their personal liberty: 1 lawyer was missing, 4 were serving prison terms, and 9 were being held in pre-sentencing detention.

Recommendations

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

- Call attention to the arbitrary detention of rights lawyers such as **Ding Jiaxi, Xu Zhiyong, Chang Weiping, Li Yuhan, Chen Jiahong, Qin Yongpei, Yu Wensheng,** and **Xie Yang,** and urge the Chinese government to unconditionally exonerate them and other similarly situated lawyers.
- Highlight and discuss with Chinese officials cases of human rights lawyers such as Liang Xiaojun, Xu Zhiyong, Lin Qilei, Xie Yang, Lu Siwei, Ren Quanniu, and Xi Xiangdong, whose law licenses were revoked or whose ability to practice law was otherwise restricted because of their legal representation and

advocacy in cases that Chinese authorities deemed politically sensitive.

○ Continue to designate and impose sanctions under the Global Magnitsky Human Rights Accountability Act (22 United States Code §§ 10101–103) on Chinese officials responsible for arbitrarily detaining or otherwise persecuting petitioners, human rights lawyers, and advocates.

○ Urge the Chinese government to protect the fundamental civil and professional rights of China's lawyers, investigate all allegations of abuse against them, and ensure that those responsible for abuse are brought to justice.

○ Urge the Chinese government to end all forms of harassment or persecution against the family members of human rights lawyers and advocates, including surveillance and restrictions on their freedom of movement.

ACCESS TO JUSTICE

Introduction

The International Covenant on Civil and Political Rights (ICCPR), which China signed and expressed its intention to ratify,[1] provides that all persons are equal before the courts; it also obligates a State Party to ensure that people have enforceable legal remedies for any violation of the rights and freedoms recognized in the convention, even if the violation has been committed by an official.[2] While China's Constitution recognizes certain universal human rights,[3] citizens do not have any legal channel through which to assert or protect them.[4] Moreover, instances of ongoing persecution of human rights lawyers and political control over the judiciary and the legal profession are inconsistent with the relevant ICCPR provisions.

Lack of Judicial Independence and Transparency

In the annual work report delivered in March 2023 at the meeting of the National People's Congress, Supreme People's Court (SPC) President Zhou Qiang emphasized the Chinese Communist Party's absolute leadership over the judiciary and reported having endeavored to strengthen political loyalty, protect political security, and educate court personnel about safeguarding Party General Secretary Xi Jinping's core leadership position.[5] Rather than promoting judicial independence, reform efforts focused on improving organizational and bureaucratic efficiency in accordance with the Party's plans.[6]

The report also claimed that authorities had established an open and transparent judiciary, citing the establishment of a court judgment disclosure database and a court hearing broadcasting platform.[7] Experts who regularly used the judgment disclosure database, however, observed a marked decline in the number of judgments available, especially in criminal and administrative cases.[8] A decline that began before February 2022 continued as of March 2023, as a practitioner in China noted that only 31 judgments in administrative proceedings were available in 2023, a decline from 554,534 in 2019.[9] The practitioner noted that before the judgments were pulled from the database, the SPC stopped publishing administrative litigation judgments in 2021, a practice followed by province-level high people's courts in 2022.[10]

Reform of the Petitioning System

Central authorities further formalized the Party's leadership of the petitioning system as part of institutional reforms aimed at extending the Party's control over society as a whole. The petitioning system (*xinfang*), also known as the "letters and visits system," is overseen by the National Public Complaints and Proposals Administration (*Guojia Xinfangju;* NPCPA). NPCPA operates outside of the formal legal system as a channel for citizens to present their grievances in hopes of triggering discretionary involvement by Party officials in providing a resolution.[11] Traditionally, although petitioners rarely saw any results, the system remained widely used, especially among people who lacked the financial means to

file court cases.[12] Besides treating *xinfang* as an alternative to litigation, some petitioners used it to challenge unfavorable court judgments, which created a conflict with the court and increased the workload on the petitioning system.[13] To address the issue, the PRC in 2013 began to require cases to be resolved through legal channels such as litigation, arbitration, and administrative review, unless a case fell outside of areas covered by existing laws.[14] Despite being a government entity, the NPCPA in May 2022 began to be governed by regulations passed by the Party, which recognized *xinfang* as an important aspect of the Party's work on the masses.[15]

As announced in a March 2023 institutional reform plan, the Party and the government jointly elevated the NPCPA to an organization directly under the State Council rather than one that was managed through its general office.[16] The NPCPA is led by the newly created Social Affairs Work Department, a functional department of the Party that coordinates and guides work relating to petitions and collecting citizens' suggestions.[17] The new department is additionally tasked with pushing Party objectives among non-Party entities such as industry associations, private enterprises, and newly emerging economic and social organizations.[18] A Central Party School professor explained that the Social Affairs Work Department unified functions from several government bodies to strengthen the Party's comprehensive leadership through all levels of government.[19] A U.S.-based analyst observed that the new department was designed to target petitioners and extend the Party's control to non-state entities.[20]

Persecution of Petitioners

PRC authorities continued to harass petitioners and restrict their liberty, especially around major events such as the 20th National Congress of the Chinese Communist Party in October 2022 and the annual meeting of the National People's Congress in March 2023.[21] Radio Free Asia reported in September 2022 that authorities had erected metal barriers around the NPCPA building, a move that multiple interviewees said they had not seen before.[22] Around that time, some petitioners were expelled from Beijing municipality by police or were prevented from traveling there after their health code (a zero-COVID measure) was arbitrarily changed from green to red.[23] Authorities likewise restricted the movement of dissidents by placing them under surveillance or forcing them to travel elsewhere, lifting such measures only after the conclusion of the national event.[24]

Multiple petitioners suffered mistreatment during detention; for example—

- According to an October 2022 report, in 2020, prison authorities in Shenyang No. 1 Municipal Prison in Liaoning province reportedly subjected **Lin Mingjie** to electric shocks at least twice, including by placing an electrode in his mouth.[25] Lin began petitioning because of the unjust demolition of his family's home and detention of his brother.[26] Authorities had sentenced Lin twice—in 2018 and in 2020—on the charge of "picking quarrels and provoking trouble" in connection with his pe-

titioning.[27] His case in 2020 also involved the charge of "unlawful use of an information network."[28] After his detention in 2019, authorities prevented counsel visits for over nine months.[29]

- **Tong Bin,** a petitioner in Wuchang district, Wuhan municipality, Hubei province, suffered five broken ribs from an assault carried out by a group of "social maintenance workers" as he walked out of a court building, after having filed a complaint in August 2022 concerning the unlawful demolition of his home.[30] The assailants had warned Tong not to sue the department responsible for the demolition, which Tong ignored.[31]
- In July 2022, police in Beijing summoned **Liu Hongxia** for questioning after she established a workshop helping other petitioners produce video recordings of their complaints.[32] The next day, officials from Liu's hometown in Zhengzhou municipality, Henan province, physically assaulted Liu before returning her to Zhengzhou, where they detained her in a hotel room.[33] Previously, Liu helped produce videos, including one in support of complaints against the NPCPA head and another one commemorating a rights defender who died in detention under unknown circumstances.[34]

Persecution of Legal Professionals

Due to authorities' use of criminal prosecution and law license revocation, the space for rights lawyers has essentially disappeared after the 2015 nationwide "709 Crackdown," according to lawyers interviewed by Radio Free Asia.[35] Having had their law licenses revoked, some lawyers sought employment in fields other than law, and those who provided paralegal services faced difficulties or unemployment.[36] According to a tally prepared by the organization The 29 Principles, as of February 2023, at least 14 human rights lawyers were under different forms of restrictions on their personal liberty: one lawyer was missing, four were serving prison terms, and nine were being held in pre-sentencing detention.[37] The organization also documented the cases of many other lawyers who were disbarred or had been detained previously.[38] Some examples of the enforced disappearance, sentencing, and pre-sentencing detention of human rights lawyers are as follows:

ENFORCED DISAPPEARANCE

- **Gao Zhisheng,** a human rights lawyer, remained missing more than five years after his disappearance in August 2017.[39] Previously, authorities sentenced him to three years in prison for "inciting subversion of state power" and subjected him to constant surveillance after his release from prison in 2014.[40]
- Lawyer **Tang Jitian** was released in January 2023, after having been detained by domestic security protection personnel at an undisclosed location in Jilin province for nearly 400 days.[41] Tang's disappearance occurred in December 2021 when he was preparing to travel to a human rights event hosted by the European Union.[42]

SENTENCING

• In April 2023, the Linyi Municipal Intermediate People's Court in Shandong province sentenced lawyer **Ding Jiaxi** and legal scholar **Xu Zhiyong** to 12 and 14 years in prison, respectively, on the charge of "subversion of state power," some three years after their initial detentions.[43] The case was based on their promotion of the China Citizens Movement, which called for a peaceful transition to constitutional governance and full recognition of individuals' status as citizens.[44] Authorities detained Xu and Ding after they joined a social gathering with like-minded friends in December 2019 in Xiamen municipality, Fujian province.[45] Some 20 participants of the gathering were either detained, summoned repeatedly, or forced into self-exile.[46] Xu and Ding suffered torture while being held incommunicado, including food and sleep deprivation and prolonged interrogation while being bound to an interrogation chair.[47] In November 2020, the U.N. Working Group on Arbitrary Detention (WGAD) noted that "Xu's political views and . . . his human rights advocacy appear[ed] to be the sole reason for his arrest and detention."[48] Likewise, the WGAD in September 2021 concluded that Ding's detention was arbitrary and further expressed concern that China's history of human rights violations "indicates a systemic problem with arbitrary detention in China, which amounts to a serious violation of international law."[49]
• In March 2023, the Nanning Municipal Intermediate People's Court in Guangxi Zhuang Autonomous Region, sentenced lawyer **Qin Yongpei** to five years in prison for "inciting subversion of state power" because he organized the "Disbarred China Lawyers Club" with other similarly situated lawyers who had lost their law licenses as a result of their rights defense work.[50] A closed trial was held in December 2021, some two years after his initial detention in October 2019.[51] In an opinion adopted in August 2022, the WGAD concluded that Qin's detention was arbitrary, and expressed concerns regarding authorities' denial of family visits and overcrowded conditions in Qin's detention facility.[52] The WGAD further noted that "under certain circumstances, widespread or systematic imprisonment or other severe deprivation of liberty in violation of the rules of international law may constitute crimes against humanity."[53]

PRE-SENTENCING DETENTION

• As of April 2023, lawyer **Li Yuhan** continued to await her sentencing, five and a half years after her initial detention in October 2017.[54] At the age of 74, Li suffered from multiple health conditions that required daily medication, but authorities denied Li's lawyer's multiple applications for medical parole.[55]
• Public interest lawyer **Chang Weiping** was one of the December 2019 Xiamen gathering participants subjected to arbitrary detention.[56] Authorities in Baoji municipality, Shaanxi province, released him on bail in January 2020 but detained

him again in October 2020 after he recounted in a video recording his experience of being tortured during his previous detention.[57] Authorities charged him with "subversion of state power" and denied him counsel visits until September 2021.[58] Chang told his lawyer that he was again subjected to torture, including sleep and food deprivation, in addition to prolonged interrogation in an interrogation chair, which caused permanent numbness in his fingers and psychological damage.[59] In July 2022, the Baoji Municipal Intermediate People's Court tried Chang in a closed proceeding, and authorities prevented Chang's family from traveling to the court, using COVID prevention measures as justification.[60] Chang was sentenced to three years and six months in prison in June 2023, nearly a year after his trial.[61]

- As of March 2023, lawyer **Xie Yang** remained in pretrial detention after authorities in Changsha municipality, Hunan province, criminally detained him in January 2022 on the charges of "inciting subversion of state power" and "picking quarrels and provoking trouble."[62] Xie's detention took place after he called public attention to the involuntary commitment of a pregnant woman to a psychiatric hospital.[63]
- In September 2022, domestic security protection personnel in Yulin municipality, Guangxi Zhuang Autonomous Region, detained lawyer **Chen Jiahong,** accusing him of "picking quarrels and provoking trouble."[64] Chen's detention took place six months after he had completed a three-year prison term for "inciting subversion of state power," and was possibly related to his criticism of the government.[65]
- In April 2023, police detained lawyer **Yu Wensheng** and his wife **Xu Yan,** charging them with "picking quarrels and provoking trouble."[66] A European Union (EU) spokesperson said that the detention took place when the couple was en route to a scheduled meeting with EU officials and that PRC authorities likely were aware of the meeting.[67] PRC authorities reportedly prevented lawyers from representing the couple.[68]

Notes to Chapter 5—Access to Justice

[1] United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 8, 2023; State Council Information Office, "Guojia Renquan Xingdong Jihua (2016–2020 nian)" [National Human Rights Action Plan of China (2016–2020)], September 29, 2016, sec. 5.

[2] International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 2(3), 14.

[3] *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, arts. 33–48.

[4] Luoyang Municipal Intermediate People's Court, Henan province, Xingzheng Caidingshu [Administrative order], (2018) Yu 03 Xing Zhong No. 368, November 28, 2018, reprinted in China Judgments Online, January 14, 2019; Thomas E. Kellogg, "Arguing Chinese Constitutionalism: The 2013 Constitutional Debate and the 'Urgency' of Political Reform," *University of Pennsylvania Asian Law Review* 11, no. 3 (2016): 349; Paul Gewirtz, "Constitutional Enforcement: Who Should Do It and How?," *China Law Review,* 4 (2016): 5.

[5] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 7, 2023, secs. 1, 6.

[6] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 7, 2023, sec. 5.

[7] "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 7, 2023, sec. 5.

[8] Luo Jiajun and Thomas Kellogg, "Verdicts from China's Courts Used to Be Accessible Online. Now They're Disappearing.," *ChinaFile,* Asia Society, February 1, 2022.

[9] Luo Jiajun and Thomas Kellogg, "Verdicts from China's Courts Used to Be Accessible Online. Now They're Disappearing.," *ChinaFile,* Asia Society, February 1, 2022; "Xingzheng susong anli: Dang Caipan Wenshu Wang buzai gongkai xingzheng susong de caipan wenshu shi . . . " [Administrative litigation case examples: When China Judgments Online no longer publishes judgments in administrative litigation cases], *Weixin*, reprinted in *China Digital Times,* March 22, 2023.

[10] "Xingzheng susong anli: Dang Caipan Wenshu Wang buzai gongkai xingzheng susong de caipan wenshu shi . . . " [Administrative litigation case examples: When China Judgments Online no longer publishes judgments in administrative litigation cases], *Weixin*, reprinted in *China Digital Times,* March 22, 2023.

[11] Stella Chen, "Petitioning," *CMP Dictionary, China Media Project,* May 20, 2022; Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," *Stanford Journal of International Law* (2006): 105.

[12] Lu Dewen, "'Jieju' nu jiaoshi juebi xin shijian: yi tiao guiyi de shangfang zhi lu" ["Solution" female teacher's last letter incident: a strange road of petitioning], People's Daily, August 6, 2019; Carl F. Minzner, "Xinfang: An Alternative to Formal Chinese Legal Institutions," *Stanford Journal of International Law* (2006): 106.

[13] Wan Yi, "Xinfang yu sifa fenli kaoyan sifa quanwei" [Separation of petitioning and judiciary as a test for the authority of the judiciary], *Beijing Daily,* reprinted in National Public Complaints and Proposal Administration, May 15, 2014. The National Public Complaints and Proposal Administration (Guojia Xinfang Ju) was formerly known in English as the National Bureau of Letters and Visits.

[14] National Public Complaints and Proposal Administration, "Guojia Xinfang Ju jiedu 'Yifa Fenlei Chuli Xinfang Suqiu Gongzuo Guize'" [National Public Complaints and Proposal Administration interprets "Regulations for Sorting Petitions in Accordance with Law"], May 30, 2019.

[15] Chinese Communist Party Central Committee and State Council, *Xinfang Gongzuo Tiaoli* [Regulations on Complaints and Proposals Work], passed January 24, 2022, effective May 1, 2022, arts. 34.

[16] Jane Cai, "China Seeks to Tighten Grip with New Social Work Department," *South China Morning Post,* March 17, 2023; "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he Guojia jigou gaige fangan" [Party Central Committee and State Council issues Institutional reform plan of the Party and State Council], *Xinhua,* March 16, 2023, sec. 1(4); Changhao Wei, Taige Hu, and Zewei (Whiskey) Liao, "A Guide to China's 2023 State Council Restructuring," *NPC Observer,* March 23, 2023.

[17] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he Guojia jigou gaige fangan" [Party Central Committee and State Council issues "Institutional reform plan of the Party and State Council], *Xinhua,* March 16, 2023; Jane Cai, "China Seeks to Tighten Grip with New Social Work Department," *South China Morning Post,* March 17, 2023.

[18] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he Guojia jigou gaige fangan" [Party Central Committee and State Council issues "Institutional reform plan of the Party and State Council"], *Xinhua,* March 16, 2023, sec. 1(4).

[19] Ye Hongmei and Zhang Lu, "Zujian Zhongyang Shehui Gongzuo Bu, Zhongyang Keji Weiyuanhui youhe shenyi? Zhuanjia jiedu" [What are the implications for creating the Central Social Affairs Work Department and the Central Technology Commission? Experts provide explanations], *Beijing News,* reprinted in *163.com,* March 17, 2023.

[20] Wu Guoguang, "Guoshi guangxi: Shehui zhuyi de huapi pi buxiaqu le?—Zai ping Zhonggong zujian Zhongyang Shehui Gongzuo Bu" [Guang analyzing national affairs: Can the facade of socialism be sustained any longer? Commenting again on the Central Committee's establishment of the Central Social Affairs Work Department], *Voice of America,* April 12, 2023.

[21] See, e.g., Gu Ting, "Guojia Xinfang Ju shiwu qianli bei weifeng fangmin Ershi Da qijian kong shangfang wumen" [National Public Complaints and Proposals Administration unprecedently cordoned off; petitioners worry that there is no place to file petitions during the 20th Party Congress], *Radio Free Asia,* September 27, 2022; Gu Ting, "Lianghui qianxi Beijing jingfang soubu fangmin bing jiangqi qianfan yuanju zhudi" [Beijing police detain petitioners and

return them to their place of residence during the Two Sessions], *Radio Free Asia,* February 20, 2023.
[22] Gu Ting, "Guojia Xinfang Ju shiwu qianli bei weifeng fangmin Ershi Da qijian kong shangfang wumen" [National Public Complaints and Proposals Administration unprecedently cordoned off; petitioners worry that there is no place to file petitions during the 20th Party Congress], *Radio Free Asia,* September 27, 2022.
[23] Gu Ting, "Guojia Xinfang Ju shiwu qianli bei weifeng fangmin Ershi Da qijian kong shangfang wumen" [National Public Complaints and Proposals Administration unprecedently cordoned off; petitioners worry that there is no place to file petitions during the 20th Party Congress], *Radio Free Asia,* September 27, 2022.
[24] Gu Ting, "Lianghui weiwen jieshu yiyi renshi ji fangmin luxu huoshi" [Social stability maintenance around the Two Sessions ends; dissidents and petitioners are being released], *Radio Free Asia,* March 15, 2023.
[25] Civil Rights & Livelihood Watch, "Liaoning Lin Mingjie fuxing qijian lu zao kuxing" [Lin Mingjie of Liaoning suffers torture repeatedly], October 22, 2022.
[26] Civil Rights & Livelihood Watch, "Liaoning Lin Mingjie fuxing qijian lu zao kuxing" [Lin Mingjie of Liaoning suffers torture repeatedly], October 22, 2022.
[27] Civil Rights & Livelihood Watch, "Liaoning Lin Mingjie fuxing qijian lu zao kuxing" [Lin Mingjie of Liaoning suffers torture repeatedly], October 22, 2022.
[28] Civil Rights & Livelihood Watch, "Liaoning Lin Mingjie fuxing qijian lu zao kuxing" [Lin Mingjie of Liaoning suffers torture repeatedly], October 22, 2022.
[29] Civil Rights & Livelihood Watch, "Liaoning Lin Mingjie fuxing qijian lu zao kuxing" [Lin Mingjie of Liaoning suffers torture repeatedly], October 22, 2022.
[30] Civil Rights & Livelihood Watch, "Wuhan fangmin Tong Bin zai fayuan bei daduan leigu" [Wuhan petitioner Tong Bin suffers broken ribs from an assault at courthouse], August 6, 2022.
[31] Civil Rights & Livelihood Watch, "Wuhan fangmin Tong Bin zai fayuan bei daduan leigu" [Wuhan petitioner Tong Bin suffers broken ribs from an assault at courthouse], August 6, 2022.
[32] Civil Rights & Livelihood Watch, "Liu Hongxia yin bangzhu fangmin weiquan bei ouda ruanjin" [Liu Hongxia was beaten and placed in soft detention for helping petitioners defend their rights], July 8, 2022.
[33] Civil Rights & Livelihood Watch, "Liu Hongxia yin bangzhu fangmin weiquan bei ouda ruanjin" [Liu Hongxia was beaten and placed in soft detention for helping petitioners defend their rights], July 8, 2022.
[34] Civil Rights & Livelihood Watch, "Liu Hongxia yin bangzhu fangmin weiquan bei ouda ruanjin" [Liu Hongxia was beaten and placed in soft detention for helping petitioners defend their rights], July 8, 2022.
[35] Kai Di, "Xi Jinping zhixia de Zhongguo weiquan lushi hai sheng duoshao shengcun kongjian?" [How much space is left for rights lawyers in China to survive under Xi Jinping's rule?], *Radio Free Asia,* November 23, 2022.
[36] Kai Di, "Xi Jinping zhixia de Zhongguo weiquan lushi hai sheng duoshao shengcun kongjian?" [How much space is left for rights lawyers in China to survive under Xi Jinping's rule?], *Radio Free Asia,* November 23, 2022.
[37] The 29 Principles, "List of Oppressed Chinese Human Rights Lawyers (22/2/2023 Updated)," February 22, 2023.
[38] The 29 Principles, "List of Oppressed Chinese Human Rights Lawyers (22/2/2023 Updated)," February 22, 2023.
[39] Wang Yun, "Zhongguo yiyi renshi Gao Zhisheng turan cong jiali shizong" [Chinese dissident Gao Zhisheng suddenly disappeared from his home], *Radio Free Asia,* August 14, 2017; Michael Bristow, "Gao Zhisheng' shizong wu nian BBC zhuanfang Geng He: 'Wo bei po zai zhangfu he haizi zhijian zuo xuanze" [Five years after Gao Zhisheng's disappearance; Geng He says in a BBC exclusive interview: "I was forced to make a choice between my husband and my children], *BBC,* November 19, 2022.
[40] Wang Yun, "Zhongguo yiyi renshi Gao Zhisheng turan cong jiali shizong" [Chinese dissident Gao Zhisheng suddenly disappeared from his home], *Radio Free Asia,* August 14, 2017; Michael Bristow, "Gao Zhisheng' shizong wu nian BBC zhuanfang Geng He: 'Wo bei po zai zhangfu he haizi zhijian zuo xuanze" [Five years after Gao Zhisheng's disappearance; Geng He says in a BBC exclusive interview: "I was forced to make a choice between my husband and my children], *BBC,* November 19, 2022; "Guoji Teshe piping Zhongguo zaici qiujin Gao Zhisheng" [Amnesty International criticizes China for detaining Gao Zhisheng again], *BBC,* December 6, 2011.
[41] Mak Yin-ting, "Tang Jitian bei wugu guanya jin sibai tian hou huoshi" [Tang Jitian released after being detained for nearly 400 days for no reason], *Radio France Internationale,* January 14, 2023.
[42] Mak Yin-ting, "Tang Jitian bei wugu guanya jin sibai tian hou huoshi" [Tang Jitian released after being detained for nearly 400 days for no reason], *Radio France Internationale,* January 14, 2023.
[43] Mak Yin-ting, "Xu Zhiyong deng liang ming Zhongguo wei quan renshi huo zhongxing 14 nian he 12 nian '709' yilai zuizhong" [Xu Zhiyong is one of two Chinese rights defenders to receive heavy sentences of 14 and 12 years; heaviest since "709"], *Radio France Internationale,* April 10, 2023.
[44] Chinese Human Rights Defenders, "China: Release Xu Zhiyong and Ding Jiaxi Ahead of U.N. Anti-Torture Day," June 16, 2022; Xu Zhiyong, "The Citizens Movement," *China Change,* June 21, 2022.
[45] Xue Xiaoshan, "'Xiamen Juhui An' zhounian huigu (yi): Yichang juhui" [Anniversary review of the "Xiamen Gathering Case" (I): A gathering], *Radio Free Asia,* December 23, 2020; Human Rights in China, "Xiamen Juhui An" [The Xiamen Gathering Case], December 8, 2021.
[46] Xue Xiaoshan, "'Xiamen Juhui An' zhounian huigu (yi): Yichang juhui" [Anniversary review of the "Xiamen Gathering Case" (I): A gathering], *Radio Free Asia,* December 23, 2020.

[47] Human Rights in China, "Xiamen Juhui An" [The Xiamen Gathering Case], December 8, 2021; Luo Shengchun (@luoshch), "#DingJiaxi zai Yantai bei kuxing zuotian xiawu, Peng Jian lushi dengdai jin 48 ge xiaoshi zhongyu di er ci huijian dao Jiaxi! . . . " [#DingJiaxi tortured in Yantai yesterday afternoon, lawyer Peng Jian finally met Jiaxi for the second time after waiting for 48 hours! . . .], Twitter, February 4, 2021, 9:44 a.m.

[48] U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 82/2020 concerning Xu Zhiyong (China), A/HRC/WGAD/2020/82, March 2, 2021, para. 74.

[49] U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 30/2021 concerning Ding Jiaxi, Zhang Zhongshun and Dai Zhenya (China), A/HRC/WGAD/2021/30, November 12, 2021, paras. 84–85.

[50] Gao Feng, "Guangxi lushi Qin Yongpei 'shan dian' zui cheng panqiu wu nian" [Guangxi lawyer Qin Yongpei sentenced to five years for "inciting subversion"], *Radio Free Asia,* March 31, 2023; U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 41/2022 concerning Qin Yongpei (China), A/HRC/WGAD/2022/41, September 28, 2022, para. 25.

[51] U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 41/2022 concerning Qin Yongpei (China), A/HRC/WGAD/2022/41, September 28, 2022, paras. 8, 14.

[52] U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 41/2022 concerning Qin Yongpei (China), A/HRC/WGAD/2022/41, September 28, 2022, para. 67.

[53] U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinion No. 41/2022 concerning Qin Yongpei (China), A/HRC/WGAD/2022/41, September 28, 2022, para. 68.

[54] Civil Rights & Livelihood Watch, "Li Yuhan lushi anjian zuixin qingkuang" [Current situation of the case of lawyer Li Yuhan], April 16, 2023.

[55] Civil Rights & Livelihood Watch, "Li Yuhan lushi anjian zuixin qingkuang" [Current situation of the case of lawyer Li Yuhan], April 16, 2023.

[56] Human Rights in China, "Xiamen Juhui An" [The Xiamen Gathering Case], December 8, 2021.

[57] Human Rights in China, "Xiamen Juhui An" [The Xiamen Gathering Case], December 8, 2021.

[58] Human Rights in China, "Xiamen Juhui An" [The Xiamen Gathering Case], December 8, 2021.

[59] Human Rights in China, "Xiamen Juhui An" [The Xiamen Gathering Case], December 8, 2021.

[60] "Mi shen kaiting zai ji weiquan lushi Chang Weiping de qi er jiaren zao weidu" [Before secret trial begins, wife and child of rights lawyer Chang Weiping were surrounded], *Radio Free Asia,* July 25, 2022.

[61] "Human Rights Lawyer Chang Weiping Jailed for 3.5 Years by China for State Subversion," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* June 9, 2023.

[62] Rights Defense Network, "Weiquan Wang: Zhongguo dalu zaiya zhengzhi fan, liangxin fan yuedu baogao (2023 nian 3 yue 31 ri) di 90 qi (gong 1500 ren) (qi)" [Rights Defense Network: Monthly report on political prisoners and prisoners of conscience currently detained in mainland China (March 31, 2023) issue no. 90 (total 1500 persons) (7)], March 31, 2023.

[63] Rights Defense Network, "Bei qiangpo shizong de Hunan renquan lushi Xie Yang yi zao xingshi juliu" [Forcibly disappeared Hunan human rights lawyer Xie Yang has been criminally detained], January 17, 2022.

[64] Rights Defense Network, "Zao xingshi juliu de Guangxi renquan lushi Chen Jiahong yi bei pibu" [Criminally detained Guangxi human rights lawyer Chen Jiahong has been formally arrested], November 16, 2022; Independent Chinese PEN Centre, "Chuyu jin bannian Guangxi lushi Chen Jiahong zaiyin shufa shenxian lingyu" [Having been released from prison for only half a year, Guangxi lawyer Chen Jiahong is detained again for his calligraphy], October 27, 2022.

[65] Independent Chinese PEN Centre, "Chuyu jin bannian Guangxi lushi Chen Jiahong zaiyin shufa shenxian lingyu" [Having been released from prison for only half a year, Guangxi lawyer Chen Jiahong is detained again for his calligraphy], October 27, 2022.

[66] "Renquan lushi Yu Wensheng ji qizi Xu Yan bei yi xunxin zishi zui xingshi juliu" [Human rights lawyer Yu Wensheng and his wife Xu Yan criminally detained on the charge of picking quarrels and provoking trouble], *Radio Free Asia,* April 15, 2023; Gregorio Sorgi, "China Arrests Human Rights Activists En Route to EU Embassy in Beijing," *Politico,* April 14, 2023.

[67] Gregorio Sorgi, "China Arrests Human Rights Activists En Route to EU Embassy in Beijing," *Politico,* April 14, 2023.

[68] Gao Feng, "EU Lodges Protest over China's Detention of Rights Lawyer and Activist Wife," *Radio Free Asia,* April 17, 2023.

V. Freedom to Participate in the Political Process

GOVERNANCE

Findings

- The PRC moved further away from the collective governance model as Xi Jinping secured a third term as president and general secretary of the Chinese Communist Party, breaking with the established norm of a two-term office designed for peaceful transition of power. Individuals selected to fill other leadership positions had a working relationship with Xi or were described as Xi's loyalists, further reinforcing Xi's political dominance.
- Despite a claimed commitment to promoting democracy, the political system as envisioned by Xi Jinping is fundamentally undemocratic. When delivering his policy objectives, Xi described a political system that was identical to the existing authoritarian system and called it democratic.
- While Xi said community-level self-governance was a manifestation of democracy, it was in fact a grid management system in which communities were divided into discrete units to facilitate monitoring and surveillance. Recent national-level policy that called for the grid to be staffed by police further demonstrated the government's intent on implementing pervasive social control.
- The PRC government's handling of the coronavirus disease 2019 (COVID-19) displayed a pattern of enforcing extreme social control giving rise to a series of mass protests, to which the government responded with censorship and criminal prosecution.
- Harsh COVID-19 measures disrupted people's lives and prompted a series of large-scale protests, where some protesters called for democratic reforms. The government responded by arresting some of the protesters after the fact, particularly targeting those who were deemed to be influenced by "Western ideology" or feminism. Shortly after the protests, the government abruptly reversed the COVID-19 policy without proper transitional measures in place, resulting in many preventable deaths.

Recommendations

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

- Support U.S. research programs that document and analyze the governing institutions and ideological campaigns of the Chinese Communist Party, as well as its relationship with companies, government agencies, legislative and judicial bodies, and nongovernmental organizations (NGOs).
- Encourage Chinese authorities to ratify the International Covenant on Civil and Political Rights and release individuals detained or imprisoned for exercising their rights to freedom of speech, association, and assembly.
- Support organizations working in and outside of China that seek to work with local governments and NGOs to improve

transparency, especially with regards to efforts to expand and improve China's open government information initiatives.

GOVERNANCE

Introduction

Xi Jinping secured a third term for the top offices for the government of the People's Republic of China (PRC) and the Chinese Communist Party, substantiating speculations that his repressive policies might continue indefinitely.[1] The past year was marked by large scale protests and by the hardship that citizens endured due to the government's abrupt and unprepared reversal of pandemic control measures. In what may be a response to the protests, PRC authorities planned to strengthen a nationwide grid management system to enhance its capacity to surveil citizens and expanded law enforcement efforts in rural areas.

Xi Jinping Further Solidified Political Power

Under Xi Jinping's leadership, the People's Republic of China (PRC) moved farther away from the collective governance model this past year. Xi secured his norm-breaking third term as the General Secretary and President, having received unanimous votes at the 20th National Congress of the Chinese Communist Party in October 2022 and the 14th National People's Congress in March 2023, respectively.[2] Officials tapped to join the Party Central Committee and senior positions in the State Council were identified as having close ties with Xi, prompting observations that "[l]oyalty to Xi was clearly the first and most important criterion for elite promotion . . .."[3] The newly appointed Premier Li Qiang, for example, had worked with Xi for decades but lacked experience in the central government.[4] Prior to his appointment, Li enforced Xi's signature zero-COVID policy in Shanghai municipality to the detriment of the city's economic and social well-being, a record that some observers interpreted as a display of loyalty to Xi.[5] Some leadership successions also broke with the customary retirement age limit, reportedly to make room for Xi's loyalists, and thus reinforcing Xi's political dominance and disrupting a mechanism, which according to some was designed for peaceful transition of power within a nondemocratic system.[6]

The 20th Party Congress also amended the Party Constitution to reflect the Party's policy priorities. Among the changes were the addition of language confirming the Party being the highest political power, and the phrases "Four Consciousnesses," "Four Matters of Confidence," and "Two Safeguards," which refer to principles requiring Party members to maintain confidence in the socialist system and to uphold and follow Xi Jinping as "the core leader of the Central Committee."[7]

Policy Plan Affirmed Undemocratic Political System

Despite claimed commitment to promoting democracy, the political system as envisioned by Xi Jinping is fundamentally undemocratic. Prior to assuming his third five-year term as Party General Secretary, Xi Jinping delivered a policy plan to "[b]asically realize socialist modernization" by 2035, a process that included improvements on "whole-process people's democracy."[8] This term was first coined by Xi in 2019, and has since been used in Party propa-

ganda.[9] The political system outlined in the plan mirrors the existing authoritarian system, one which the Party controls directly or indirectly.[10]

According to Xi, Chinese citizens exercise state power through people's congresses that are democratically elected at all levels, and the Party consults citizens' opinion through multiparty cooperation and institutions like the Chinese People's Political Consultative Conference (CPPCC).[11] He additionally called for improvements on community-level self-governance, which he claimed to be a manifestation of democracy.[12] Appealing to nationalism, Xi expressed the need for using the United Front to rally the people's support, including uniting overseas Chinese, handling ethnic affairs with a "distinctively Chinese approach," and insisting that religions "must be Chinese in orientation . . .." [13]

Contrary to Xi's claims, people's congresses are not democratically elected at all levels, and public participation at local levels is not only limited but also subject to political interference, such as through candidate selection and harassment of independent candidates.[14] In contrast to the stated function of soliciting public opinion, the CPPCC is tasked with co-opting non-Party members to advance the Party's objectives; only eight satellite parties are permitted to exist, and all of them are controlled by the Chinese Communist Party.[15] Community-level self-governance to which Xi referred is "essentially a militarisation of society" in which communities are divided into discrete management units subject to monitoring and surveillance, as explained by China Media Project.[16] Moreover, Xi's emphasis on the sinicization of ethnic minority groups violates the cultural and social rights of millions of individuals in China.[17]

Government's Handling of COVID-19 and Related Protests

The PRC government's handling of the COVID-19 pandemic displayed a pattern of enforcing social control at the expense of citizens' well-being, giving rise to a series of mass protests, to which the government responded with censorship and criminal prosecution. Authorities began imposing zero-COVID measures in early 2020 after the initial stage of the outbreak, intending to isolate every infected person through methods such as mass testing, contact tracing, quarantine facilities, and citywide lockdowns.[18] Authorities started to intensify enforcement in March 2022, when a highly transmissible virus variant spread across China, affecting millions of people.[19] During these lockdowns, authorities suspended public transportation and prohibited citizens from leaving their homes, interrupting their access to food, necessities, and medical services.[20] Stores and eateries closed, and dozens of private hospitals shut down or declared bankruptcy due to their income declining from their efforts to comply with zero-COVID directives, which required them to divert resources away from non-COVID care.[21] Some people committed suicide as a result of their inability to access health services other than COVID treatment.[22] According to Associated Press, an epidemiologist of the Chinese Center for Disease Control and Prevention wrote in an internal document that excessive controls under the zero-COVID policy had "no scientific

basis," but he publicly maintained that the policy was "absolutely correct" because authorities had ordered him to advocate for it.[23]

COVID-19 measures likewise posed a public safety hazard. For example, "[p]andemic controls imposed by Chinese authorities around, and possibly inside, [an] apartment building had delayed [firefighters'] response" in a fatal fire in Urumqi municipality, Xinjiang Uyghur Autonomous Region, according to people close to the incident; although the government denied such claims.[24]

The fire in Urumqi followed a series of protests against harsh and disproportionate COVID measures, including the solo protest staged by **Peng Lifa** (also known as Peng Zaizhou).[25] On October 13, 2022—three days before the opening of the 20th National Congress of the Chinese Communist Party—Peng hung banners from Sitong Bridge in Beijing municipality that criticized the government's harsh COVID-19 measures and called for political reforms and Xi Jinping's resignation.[26] Authorities immediately detained Peng, removed the banners, and censored social media posts about the protest.[27] Despite censorship, Peng's message spread across China, partly through graffiti and peer-to-peer connectivity such as Apple's Airdrop functionality.[28] As news of the deadly fire in Urumqi on November 24 spread, impromptu vigils shifted into protests against the excesses of zero-COVID policy measures. Thereafter, thousands of people joined protests in at least 18 cities and 79 higher education institutions across China,[29] many of whom held up blank sheets of paper to show defiance in the face of censorship, giving rise to the name White Paper protests and similar variations.[30] Some protesters also called for Xi's resignation in a rare direct attack on the country's leadership.[31]

About a week after the nationwide protests, the government lifted key aspects of the zero-COVID policy, effectively reversing the zero-COVID policy.[32] The abrupt policy reversal presented a new set of challenges that the Chinese government was not adequately prepared for, such as the surge in COVID infections and deaths.[33] As of March 2023, the World Health Organization's (WHO) data showed sharp increases in confirmed cases and deaths beginning in mid-December 2022, coinciding with the policy reversal.[34] Factors including low vaccination rate among seniors, and shortages in hospital supplies and staff contributed to many deaths that some experts said could have been avoided.[35] Funeral homes saw a steep increase in demand,[36] and health officials in Beijing reported that "emergency services were overwhelmed with more than 30,000 calls per day."[37] In his Spring Festival remarks to the nation in January 2023, Xi Jinping acknowledged the healthcare shortages in rural areas, exhorting local cadres to be of assistance.[38] A U.S.-based health expert explained that the zero-COVID policy had exacerbated the situation because "the government controlled distribution . . . had left rural hospitals and clinics undersupplied."[39] Rural residents did not receive sufficient support from Party cadres, and one villager complained that "the government's presence has almost disappeared" after reopening.[40]

Nevertheless, the government's presence was felt by some White Paper protesters as authorities hastened efforts to detain them beginning in mid-December 2022.[41] According to one tally, police had detained over 100 people as of February 2023, with a significant

number of them being women.[42] Chinese Human Rights Defenders observed that some of the detentions seemed to be aimed at "punishing youth with 'Western ideology' or connection to 'feminists.'"[43] Among those detained on criminal charges were **Cao Zhixin, Li Siqi, Li Yuanjing,** and **Zhai Dengrui,** whom PEN International and 24 other rights groups said were being held by PRC authorities in violation of their fundamental rights of free expression and peaceful assembly.[44]

Government's Response to Other Protests

Besides the White Paper protests, other large-scale protests took place across China, prompted by grievances concerning issues important to people's daily lives, including bank savings, housing, and healthcare. Freedom House "documented 668 incidents of protest and other dissent in mainland China from June to September 2022.[45] Of these, 77 percent were demonstrations, marches, and obstructing roads."[46] Despite authorities' efforts to "reduce the ability of citizens to mobilize," "people manage[d] to form decentralized movements that increase the impact of their dissent."[47] Some illustrative examples are as follows:

- In July 2022, over 1,000 people gathered in Zhengzhou municipality, Henan province, as part of a series of protests based on allegations that several rural banks had frozen their deposits since April.[48] Police detained over 200 protesters, and a group of unidentified people wearing white t-shirts (who were reportedly deployed by the government) forcibly dispersed the peaceful protesters, beating some of them.[49] Despite censorship, video footage of the violent dispersal circulated on the internet, prompting public criticism.[50] Earlier in June, the Zhengzhou Commission for Discipline Inspection and Supervision said it had disciplined five officials for tampering with COVID-19 health codes trying to prevent bank customers from traveling to Zhengzhou.[51]
- Also in July 2022, about 200 homebuyers gathered in front of the China Banking and Insurance Regulatory Commission branch office in Wuhan municipality, Hubei province, to ask the government to address the growing issue of real estate developers being unable to complete construction of apartments that they had presold and that homebuyers had been paying a mortgage on.[52] The protest was part of a larger boycott in which homebuyers in some 342 incomplete projects threatened to stop mortgage payments unless the construction was completed on schedule.[53] Authorities responded with censorship, and a protest involving over 1,000 people in Xi'an municipality, Shaanxi province, went unreported in Chinese media and online sources.[54] Local police "maintained social stability" by means including calling a homebuyer repeatedly to ask her not to complain to higher authorities in Beijing and transporting protesters, through deceit or force, away from the protest site by bus.[55]
- In February 2023, retirees in at least three cities protested changes in the public health insurance program that they perceived as having disadvantaged them.[56] The changes excluded many types of medication and reduced the amount of medical

expense reimbursement, but these cuts reportedly did not affect government officials.[57] Although authorities did not use force to disperse the protests, they took people into custody after the fact, including **Zhang Hai,** who publicly expressed support and reposted video footages of the protests.[58]

[For more information on the protests, see Chapter 1—Freedom of Expression, Chapter 2—Civil Society, and Chapter 12—Public Health.]

Strengthening Grid Management

The series of large-scale protests may have led the PRC government to further bolster the existing social control apparatuses, including the grid management system, which divides communities into discrete units to facilitate surveillance and monitoring.[59] In explaining how the protests were possible under the PRC's pervasive social control, a scholar surmised that the system might be ineffective in quelling society-wide discontent given the large amount of manpower required for monitoring people.[60] In an apparent attempt to address the deficiency,[61] the Ministry of Public Security issued a three-year plan in March 2023 and declared a commitment to increase investment in the grid management system.[62] The three-year plan called for strengthening police presence in communities by increasing the number of grid-style local police stations and by assigning one police officer to each village or grid unit by 2025.[63] While the plan did not specify the size of each grid unit, it could comprise 15 to 20 households based on existing practice.[64] The plan encompassed duties, such as correcting bad behavior of youths, intervening in family disputes and resolving couple conflicts.[65] Police also were tasked with training lay citizens into "volunteer police" to help achieve community self-governance.[66] While some localities had promoted similar initiatives before, it was "the first time these requirements have been made at the national level," according to South China Morning Post.[67] Previously, grid managers were not required to be police officers, as indicated by a 2018 job posting.[68]

The establishment of the new National Data Bureau may have an impact on the grid management system, given that digitization and informatization are central features of it.[69] In a March 2023 joint institutional reform plan, the Party and the PRC government created the National Data Bureau, to be managed by the National Development and Reform Commission, a State Council department.[70] The new bureau is tasked with pushing forward the national strategic plan called "Digital China," of which grid management is a component, according to an expert.[71] One analyst noted that there were 18 local data authorities previously, and creating a new national entity could help "coordinate disjointed local data policies."[72]

Rural Policies

As central authorities rolled out a food security campaign, local officials—operating in a tightening grid management system—destroyed farmers' crops to force conformity with national goals. A policy document released jointly by the Party Central Committee

and the State Council in February 2023 emphasized the importance of food security and laid out nine objectives aimed at increasing agricultural output.[73] Prioritizing rural development, central authorities called for building a robust Party-led rural administration system under which Party cadres are to promote obedience to the Party and to visit people's homes to bolster the grassroots level "self-governance" system that relies on grid management.[74]

The document also stressed the need for protecting and strictly controlling the use of farmland,[75] the implementation of which, however, may have contributed to the abuse of power by rural management officers (*nongguan*) of local administrative units known as "rural comprehensive administrative law enforcement brigades."[76] Established pursuant to a 2018 central directive, the brigades are tasked with enforcement duties in all aspects of agricultural production and are authorized to impose coercive measures including administrative detention.[77] The planting season of spring 2023 was the first mass public deployment of rural management officers, who reportedly destroyed crops and confiscated livestock in carrying out the food security campaign.[78] China Change, a U.S.-based organization that monitors human rights in China, observed that, in the face of the government's push to boost grain production, poultry and fish farmers and those who grow other types of crops have become targets of the crackdown.[79]

Online Movement Exposed Corrupt Practices

Public outcry over a violent crime led to an uptake of citizens using the internet to voice their grievances, some of which involved alleged collusion between police and criminals; while authorities addressed some of these claims, at least one complainant suffered retribution. Widely circulated video footage of a violent gender-based attack perpetrated by suspected gang members that took place in June 2022 in Tangshan municipality, Hebei province, drew public concern.[80] A report prepared by the provincial government concluded that the police's handling of the case was "slow and improper," and some people "wondered if local police were involved with local criminal figures."[81] Following the incident, at least two other people in Tangshan used online platforms to recount their experiences of also having been victims of crimes, to which local police responded by detaining the alleged perpetrators as part of a half-month-long campaign against crime (although it is unclear how the campaign was different from regular law enforcement duties).[82] Internet users elsewhere followed suit, among them police officers, including some who reported incidents in which their superiors allegedly tampered with evidence to shield perpetrators from criminal liability.[83]

In one example, **Liu Jian,** a police officer in Bengbu municipality, Anhui province, made a post on social media saying that over ten officials beat him, destroyed evidence, and later tried to discredit him by spreading rumors that he was mentally ill.[84] He said he reported the incident to authorities to no avail.[85] After the post, the Central Political and Legal Affairs Commission and Ministry of Public Security verified Liu's claims, but public security officials in Anhui detained him in August 2022 on a criminal charge.[86]

PRC Counterespionage Law

In April 2023, the National People's Congress Standing Committee amended the PRC Counterespionage Law, expanding the scope of the law's application.[87] The law invokes the concept of a "holistic view of national security,"[88] which covers over 20 broad categories including political, economic, cultural, social, data, and food security.[89] The amendment inserts a clause to prohibit illicit gathering of materials "relating to national security and national interest,"[90] which one scholar described as "unworkably vague on its face" and noted that it would give security authorities broad discretion.[91] Observers expressed concern that the amended law would further restrict legitimate information gathering activities by due diligence professionals and journalists.[92]

Notes to Chapter 6—Governance

[1] PEN America, "Freedom to Write Index 2022," April 2, 2023; Qin Gang and Cheryl Tung, "China's Congress Gives Nod to Third Presidential Term for Supreme Leader Xi Jinping," *Radio Free Asia,* March 10, 2023.

[2] "Linghang xin shidai xin zhengcheng xin huihuang de jianqiang lingdao jiti—Dang de xin yijie zhongyang lingdao jigou chansheng jishi" [Collective leadership that takes the lead in navigating in the new era, new journey, and new glory—A record of how the new central Party leadership group came into being], Xinhua, October 24, 2022; "Xi Jinping quanpiao dangxuan guojia zhuxi zhongyang junwei zhuxi" [Xi Jinping unanimously elected the nation's president and military commission chairman], Global Times, March 10, 2023.

[3] See, e.g., Chris Buckley et al., "China's Communist Party Congress for His 3rd Term, Xi Jinping Surrounds Himself with Loyalists," *New York Times,* October 30, 2022;Cheng Li and Mallie Prytherch, "China's New State Council: What Analysts Might Have Missed," Brookings Institution, March 7, 2023.

[4] Cheng Li and Mallie Prytherch, "China's New State Council: What Analysts Might Have Missed," Brookings Institution, March 7, 2023; Vivian Wang, "China Appoints Li Qiang, a Xi Loyalist, as Premier," *New York Times,* March 11, 2023.

[5] Vivian Wang, "China Appoints Li Qiang, a Xi Loyalist, as Premier," *New York Times,* March 11, 2023; Keith Bradsher and Chang Che, "China's New Premier Needs to Revive Growth. How Far Will Loyalty Get Him?," *New York Times,* March 13, 2023; Huizhong Wu, "China's Other Top Leaders Bring Loyalty to Xi, Experience," *Associated Press,* March 8, 2023.

[6] "Decoding the 20th Party Congress," Asia Society Policy Institute, accessed June 14, 2023; Ling Li, "The Hidden Significance and Resilience of the Age-Limit Norm of the Chinese Communist Party," *Asia-Pacific Journal* 20, no. 19 (December 15, 2022).

[7] *Zhongguo Gongchandang Dangzhang* [Chinese Communist Party Constitution], passed October 22, 2022, preamble, art. 3(2).

[8] Xi Jinping, "Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 19.

[9] Stella Chen, "Whole-Process Democracy," in *CMP Dictionary, China Media Project,* November 23, 2021; "Chinese Democracy in 9 Screenshots," *China Digital Times,* December 13, 2021.

[10] Xi Jinping, "Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 31–34.

[11] Xi Jinping, "Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 32–33.

[12] Xi Jinping, "Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 33, 47.

[13] Xi Jinping, "Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 33–34.

[14] See, e.g., Monica Martinez-Bravo, Gerard Padŕ i Miquel, Nancy Qian, and Yang Yao, "The Rise and Fall of Local Elections in China: Theory and Empirical Evidence on the Autocrat's Trade-off," *National Bureau of Economic Research,* November 2017, 10–11; Qiao Long, "Guangdong Tianwu cun huanjie xuanju houxuanren zao konghe bei bi tuixuan" [In Guangdong's Tianwu village election, candidate is threatened and forced to withdraw], *Radio Free Asia,* March 4, 2021; "China Protest Village Leader Lin Zuluan Convicted," *BBC,* September 8, 2016; John Sudworth, "China Elections: Independent Candidates Fight for the Ballot," *BBC,* November 17, 2016.

[15] Shannon Tiezzi, "What Is the CPPCC Anyway?," *Diplomat,* March 4, 2021; State Council, "Ba da minzhu dangpai" [Eight major democratic parties], March 9, 2020; State Council, "'Zhongguo zhengdang zhidu' baipi shu" [White paper on China's political party system], November 15, 2007; Revolutionary Committee of the Chinese Kuomintang et al., "Guanyu minzhu dangpai zuzhi fazhan ruogan wenti zuotanhui jiyao" [Minutes of forum on several questions on the organization and development of democratic parties], June 3, 1996; Andrew Jacobs, "Non-Communist Parties Lend China an Air of Pluralism, Without the Mess," *New York Times,* March 14, 2013.

[16] "Grid Based Management," in *CMP Dictionary, China Media Project,* April 16, 2021.

[17] International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, arts. 18, 27.

[18] "What Is China's 'Zero-COVID' Policy?," *Voice of America,* November 28, 2022; "Haobu dongyao jianchi 'dongtai qingling' zong fangzhen" [Unwavering support for the "dynamic zero-COVID" overall direction], *People's Daily,* May 6, 2022; "Timeline: China's COVID-19 Outbreak and Lockdown of Wuhan," *Associated Press,* January 22, 2021; Lucy Swan and Faisal Ali, "Deadly Apartment Fire in the Far West of the Country Triggers Unprecedented Demonstrations," *Guardian,* November 29, 2022.

[19] "What Is China's 'Zero-COVID' Policy?," *Voice of America,* November 28, 2022; "Haobu dongyao jianchi 'dongtai qingling' zong fangzhen" [Unwavering support for the "dynamic zero-COVID" overall direction], *People's Daily,* May 6, 2022; "Timeline: China's COVID-19 Outbreak and Lockdown of Wuhan," *Associated Press,* January 22, 2021; Lucy Swan and Faisal Ali, "Deadly Apartment Fire in the Far West of the Country Triggers Unprecedented Demonstrations," *Guardian,* November 29, 2022; Wang Pengfei and Xu Zhiwei, "Jinji shukun, guanjian shi baozhang renliu he wuliu changtong" [The key to economic relief is to ensure the unimpeded flow of people and goods], Caixin, June 2, 2022; Xu Wen, Dong Hui, and Wang Han, "Wuhu xian 1 ming ganran zhe ji fengcheng quanguo zhishao 22 di 'zaifeng'" [Entire city of Wuhu locked down with one case of infection, at least 22 localities currently under lockdown], *Caixin,* April 18, 2022.

[20] Tessa Wong, "Xi'an: The Messy Cost of China's COVID Lockdown Playbook," *BBC,* January 6, 2022; J. Stephen Morrison, Scott Kennedy, and Yanzhong Huang, "China's Zero-COVID: What Should the West Do?," Center for Strategic & International Studies, June 27, 2022; Wenxin Fan,

"China's COVID Fight Disrupts Businesses, Food Supplies as Cases Spread," *Wall Street Journal,* October 27, 2022; David Kirton, "Shenzhen Shuts Most Public Transport as China Battles Multiple Outbreaks," *Reuters,* September 2, 2022.

[21] Alexandra Stevenson and Keith Bradsher, "China's Great 'Zero-COVID' Guessing Game," *New York Times,* November 9, 2022; David Stanway, "COVID and Bust: China's Private Health System Hurt by Tough Coronavirus Controls," *Reuters*, July 6, 2022.

[22] Ceren Ergenc, "China Suddenly Abandoned Its Zero COVID Policy. How Did It Start in the First Place?," *Diplomat,* January 28, 2023; Sang Jiejia, "Sang Jiejia: Bi bingdu geng kepa de shashou 'qingling' zhengce" [Sang Jiejia: "Zero-COVID" policy is a killer more frightening than viruses], *Minzhuzhongguo.org,* October 3, 2022.

[23] Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press,* March 24, 2023.

[24] Austin Ramzy and Wenxin Fan, "China's COVID Protests Began with an Apartment Fire in a Remote Region," *Wall Street Journal,* December 1, 2022. See also "Deadly Xinjiang Blaze Prompts Anger at COVID Zero Policy," *Bloomberg,* November 25, 2022.

[25] Gao Feng et al., "Beijing Banner Protester Lauded as China's New Tank Man, or 'Bridge Man,'" *Radio Free Asia,* October 14, 2022; "'Bridge Man' Peng Zaizhou's Mission Impossible and His 'Toolkit for the Removal of Xi Jinping,'" *China Change,* October 19, 2022.

[26] Gao Feng et al., "Beijing Banner Protester Lauded as China's New Tank Man, or 'Bridge Man,'" *Radio Free Asia,* October 14, 2022; "'Bridge Man' Peng Zaizhou's Mission Impossible and His 'Toolkit for the Removal of Xi Jinping,'" *China Change,* October 19, 2022.

[27] Gao Feng et al., "Beijing Banner Protester Lauded as China's New Tank Man, or 'Bridge Man,'" *Radio Free Asia,* October 14, 2022; "'Bridge Man' Peng Zaizhou's Mission Impossible and His 'Toolkit for the Removal of Xi Jinping,'" *China Change,* October 19, 2022.

[28] "'Bridge Man' Peng Zaizhous Mission Impossible and His 'Toolkit for the Removal of Xi Jinping,'" *China Change,* October 19, 2022.

[29] "Zhongguo fanfengkong kangyi chao chixu 'Bai Zhi Yundong' yinfa guoji guanzhu'" [As anti-lockdown protests continue in China, "White Paper movement" draws international attention], *Radio Free Asia,* November 28, 2022.

[30] Chang Che and Amy Chang Chien, "Memes, Puns and Blank Sheets of Paper: China's Creative Acts of Protest," *New York Times,* November 28, 2022; Human Rights Watch, "China: Free 'White Paper' Protesters," January 26, 2023. Some sources report that "tens of thousands" of people joined the protests, although Commission staff did not find any systematic estimate of the number of protesters. See, e.g., Nick Schifrin and Teresa Cebrian Aranda, "Thousands in China Protest Zero-COVID Policy in Largest Demonstrations in Decades," PBS, November 28, 2022.

[31] Richard C. Bush, Diana Fu, Ryan Hass, Patricia M. Kim, and Cheng Li, "Around the Halls: The Outcomes of China's 20th Party Congress," Brookings Institution, October 25, 2022; William Yang, "Jing Hu deng di baofa jietou kangyi Shanghai shiweizhe: Xi Jinping xiatai!" [Protests broke out in places including Beijing and Shanghai; Protesters in Shanghai: Xi Jinping step down!], *Deutsche Welle,* November 27, 2022; Li Yuan, "China's Protest Prophet," *New York Times,* December 7, 2022; Simone McCarthy and Kathleen Magramo,"Residents 'Revolt' over Oppressive COVID Lockdowns in China's Guangzhou," *CNN,* November 15, 2022; Lucy Swan and Faisal Ali, "Deadly Apartment Fire in the Far West of the Country Triggers Unprecedented Demonstrations," *Guardian,* November 29, 2022.

[32] State Council Joint Prevention and Control Mechanism for COVID-19, "Guanyu jinyibu youhua luoshi xinguan feiyan yiqing fangkong cuoshi de tongzhi" [Circular regarding further improvements on control measures for the novel coronavirus], December 7, 2022;Frances Mao, "China Abandons Key Parts of Zero-COVID Strategy after Protests," *BBC,* December 7, 2022.

[33] Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press,* March 24, 2023; Tony Munroe, "China Reports Huge Rise in Covid Deaths after Data Criticism," *Reuters,* January 14, 2023.

[34] World Health Organization, "China Situation [regarding COVID-19 confirmed cases and deaths]," accessed March 27, 2023.

[35] Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press,* March 24, 2023.

[36] Matthew Loh, "So Many People Are Dying from COVID in China That a Crematorium Is Giving Families 5 to 10 Minute Slots to Mourn Victims," *Insider,* January 4, 2023.

[37] Matthew Loh, "So Many People Are Dying from COVID in China That a Crematorium Is Giving Families 5 to 10 Minute Slots to Mourn Victims," *Insider,* January 4, 2023; Chai Rong, "Beijing Jijiu Zhongxin: Xinguan wu zhengzhuang, qingzheng huanzhe wu boda 120, wei jiwei zhongzheng huanzhe liuchu rexian tongdao" [Beijing Emergency Center: For those who are asymptomatic for COVID or have mild infections, don't call 120, leave the hotline open for those who are critically ill], *Beijing Daily,* December 10, 2022.

[38] "Xi Jinping chunjie qianxi shipin lianxian kanwang weiwen jiceng ganbu qunzhong xiang quanguo ge zu renmin zhiyi xinchun de meihao zhufu" [On New Year's Eve, Xi Jinping conveys greetings to grassroots cadres and the masses through video conference, delivering beautiful blessings of the new spring to people of all ethnicities nationwide],

[39] Xiaoshan Xue, "In Rural China, Shortages of Treatment, Doctors Prove Deadly," *Voice of America,* February 3, 2023.

[40] Xiaoshan Xue, "In Rural China, Shortages of Treatment, Doctors Prove Deadly," *Voice of America,* February 3, 2023.

[41] Kawashima Shin, "China: Exploiting the 'White Paper Protests' to Revoke the Zero-COVID Policy," *Diplomat,* January 30, 2023; Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023.

[42] Tessa Wong and Grace Tsoi, "The Protesters Who've Gone Missing as China Deepens Crackdown," *BBC,* February 18, 2023.

[43] Chinese Human Rights Defenders, "China: Free All 'Blank Paper' Protestors," January 20, 2023.
[44] PEN International et al., "Chinese Authorities Must Release 'Blank Paper' Protesters and Allow Free Expression on COVID-19 Pandemic," March 8, 2023. For more information, see the Commission's Political Prisoner Database records 2023-00033 on Cao Zhixin, 2023-00036 on Li Siqi, 2023-0035 on Li Yuanjing, and 2023-00037 on Zhai Dengrui.
[45] Kevin Slaten, Freedom House, "Grassroots Protests Are Frequent in Xi Jinping's China," November 17, 2022.
[46] Kevin Slaten, Freedom House, "Grassroots Protests Are Frequent in Xi Jinping's China," November 17, 2022.
[47] Kevin Slaten, Freedom House, "Grassroots Protests Are Frequent in Xi Jinping's China," November 17, 2022.
[48] "Zhongguo Henan baofa kangyi jihui weiquan yinhang chuhu zao ouda" [Protest broke out in Henan, China; bank depositors suffer beating as they defend their rights], *BBC,* July 11, 2022; Nectar Gan, "China Arrests Hundreds in Rural Banking Scandal," *CNN,* August 30, 2022.
[49] "Zhongguo Henan baofa kangyi jihui weiquan yinhang chuhu zao ouda" [Protest broke out in Henan, China; bank depositors suffer beating as they defend their rights], *BBC,* July 11, 2022; Nectar Gan, "China Arrests Hundreds in Rural Banking Scandal," *CNN,* August 30, 2022; Wenxin Fan, "Large Chinese Bank Protest Put Down with Violence," *Wall Street Journal,* July 11, 2022.
[50] Wenxin Fan, "Large Chinese Bank Protest Put Down with Violence," *Wall Street Journal,* July 11, 2022.
[51] Qu Peng, "Dianxing luan zuowei wu ren shou chufen" [Model case of abuse of official power; five people disciplined], *China Discipline Inspection and Supervision News,* reprinted in Ministry of Justice, June 24, 2022.
[52] Cao Li and Rebecca Feng, "China Faces Growing Pressure to Address Mortgage Protests," *Wall Street Journal,* July 20, 2022.
[53] Cao Li and Rebecca Feng, "China Faces Growing Pressure to Address Mortgage Protests," *Wall Street Journal,* July 20, 2022; "Analysis: China's Mortgage Boycott Quietly Regroups as Construction Idles," *Reuters,* September 18, 2022.
[54] Cao Li and Rebecca Feng, "China Faces Growing Pressure to Address Mortgage Protests," *Wall Street Journal,* July 20, 2022; "Analysis: China's Mortgage Boycott Quietly Regroups as Construction Idles," *Reuters,* September 18, 2022; "Zhongguo lanweilou fengbao kuoji guozi beijing jianan wuzhu Hubei Jianguanju qian kangyi" [The storm of incomplete real estate projects in China expands and affects state-backed construction company; homebuyers protest at Supervision Commission in Hubei], *Central News Agency,* July 21, 2022.
[55] Tang Jiajie, Zheng Chongsheng, and Kai Di, "'Ting tai' fengbao kuoda Zhongguo weiwen, jiushi liang nan" [Storm of "mortgage halt" expands; social stability and saving the market are both difficult in China], *Radio Free Asia,* July 20, 2022; "Analysis: China's Mortgage Boycott Quietly Regroups as Construction Idles," *Reuters,* September 18, 2022.
[56] Oiwan Lam, "Chinese 'White-Hair' Protestors Denounce Medical Insurance Reform," *Global Voices,* March 6, 2023; "Hundreds Protest in China over Health Insurance Reforms," *Agence France-Presse,* reprinted in *Voice of America,* February 15, 2023.
[57] Gu Ting, "Zhongguo xin yibao zhidu xiaosheng luodi minzhong fudan jiazhong" [China's new medical insurance system quietly implemented, increases people's burden], *Radio Free Asia,* March 9, 2023; "Hundreds Protest in China over Health Insurance Reforms," *Agence France-Presse,* reprinted in *Voice of America,* February 15, 2023.
[58] Rights Defenders Network, "Yin zhichi Wuhan tuixiu laoren kangyi yigai de 'Baifa Yundong' Wuhan xinguan feiyan nanshu, weiquan renshi Zhang Hai yijing bei pibu" [Family member of victim of Wuhan novel coronavirus rights defender Zhang Hai formally arrested for supporting elderly people's protest of medical reform in the "White Hair Protests"], April 1, 2023.
[59] "Grid Based Management," in *CMP Dictionary, China Media Project,* April 16, 2021.
[60] "Live with Lizzi Lee, Featuring Lynette Ong," (transcript of video), *China Project,* December 5, 2022.
[61] Vanessa Cai, "China Is Deploying More Officers for Grass-Roots Policing across the Country," *South China Morning Post,* April 4, 2023.
[62] Ministry of Public Security, "Gonganbu yinfa 'Jiaqiang xin shidai gongan paichusuo gongzuo san nian xingdong jihua (2023–2025 nian)'" [Ministry of Public Security issues "Three-year action plan to strengthen public security of the new era (2023–2025)"], March 29, 2023; Vanessa Cai, "China Is Deploying More Officers for Grass-Roots Policing across the Country," *South China Morning Post,* April 4, 2023.
[63] Ministry of Public Security, "Gonganbu yinfa 'Jiaqiang xin shidai gongan paichusuo gongzuo san nian xingdong jihua (2023–2025 nian)'" [Ministry of Public Security issues "Three-year action plan to strengthen public security of the new era (2023–2025)"], March 29, 2023; Vanessa Cai, "China Is Deploying More Officers for Grass-Roots Policing across the Country," *South China Morning Post,* April 4, 2023.
[64] "Zhongguo chutai xin baojia zhi: Baomi jiankong shang bao 20 hu yi wangge" [China rolls out a new baojia system: Secret surveillance to report to superior; one unit comprises 20 households], *Radio Free Asia,* April 10, 2018.
[65] Ministry of Public Security, "Gonganbu yinfa 'Jiaqiang xin shidai gongan paichusuo gongzuo san nian xingdong jihua (2023–2025 nian)'" [Ministry of Public Security issues "Three-year action plan to strengthen public security of the new era (2023–2025)"], March 29, 2023.
[66] Ministry of Public Security, "Gonganbu yinfa 'Jiaqiang xin shidai gongan paichusuo gongzuo san nian xingdong jihua (2023–2025 nian)'" [Ministry of Public Security issues "Three-year action plan to strengthen public security of the new era (2023–2025)"], March 29, 2023; Guo Yuanpeng, "Renmin Ribao dianjing: Yijing bu zhishi 'yingjing'" [People's Daily selects a highlight: Volunteer police do not just "rise to the occasion"], *People's Daily,* July 9, 2014.

[67] Vanessa Cai, "China Is Deploying More Officers for Grass-Roots Policing across the Country," *South China Morning Post,* April 4, 2023.
[68] "Zhongguo chutai xin baojia zhi: Baomi jiankong shang bao 20 hu yi wangge" [China rolls out a new baojia system: Secret surveillance to report to superior; one unit comprises 20 households], *Radio Free Asia,* April 10, 2018.
[69] "Grid Based Management," in *CMP Dictionary, China Media Project,* April 16, 2021; Wang Yimin, "Jiaqiang shuzi zhengfu jianshe quanmian tisheng zhengfu luzhi nengli" [Strengthen the construction of digital government, comprehensively augment government's ability to perform its duties], *People's Daily,* July 1, 2022; David Dorman, "Xi Jinping Presses for Digital Government. OK, but What's Digital Government?," *Digital China Wins the Future,* April 19, 2022.
[70] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he guojia jigou gaige fangan'" [Party Central Committee and State Council issue "Institutional reform plan of the Party and State Council"], *Xinhua,* March 16, 2023; National Development and Reform Commission, "Main Functions of the NDRC," accessed April 10, 2023.
[71] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he guojia jigou gaige fangan'" [Party Central Committee and State Council issue "Institutional reform plan of the Party and State Council"], *Xinhua,* March 16, 2023; David Dorman, "Xi Jinping Presses for Digital Government. OK, but What's Digital Government?," *Digital China Wins the Future,* April 19, 2022.
[72] Qiheng Chen, "China's New National Data Bureau: What It Is and What It Is Not," *China Project,* March 20, 2023.
[73] Party Central Committee and State Council, *Zhonggong Zhongyang Guowuyuan guanyu Zuohao 2023 Nian Quanmian Tuijin Xiangcun Zhenxing Zhongdian Gongzuo de Yijian* [Opinion of the Party Central Committee and State Council on the Key Tasks for Comprehensively Promoting Rural Revitalization], February 13, 2023.
[74] Party Central Committee and State Council, *Zhonggong Zhongyang Guowuyuan guanyu Zuohao 2023 Nian Quanmian Tuijin Xiangcun Zhenxing Zhongdian Gongzuo de Yijian* [Opinion of the Party Central Committee and State Council on the Key Tasks for Comprehensively Promoting Rural Revitalization], February 13, 2023, sec. 8(28), (29), (30).
[75] Party Central Committee and State Council, *Zhonggong Zhongyang Guowuyuan guanyu Zuohao 2023 Nian Quanmian Tuijin Xiangcun Zhenxing Zhongdian Gongzuo de Yijian* [Opinion of the Party Central Committee and State Council on the Key Tasks for Comprehensively Promoting Rural Revitalization], February 13, 2023, sec. 2(6).
[76] Wang He, "Wang He: 'Nongguan' luanxiang yu Zhonggong tongzhi fulan" [The chaos caused by rural management officials and corruption under the rule of the Chinese Communist Party], *Epoch Times,* April 27, 2023; "Word of the Week: Nongguan (Nongguan)—Rural Management Officials, or 'Legalized Bandits'?," *China Digital Times,* May 2, 2023.
[77] "2018 nianzhong pandian nongye nongcun fazhi jianshe wenbu tuijin" [2018 year-end tally: Rule of law development in agriculture and rural areas steadily advanced], *Fangzheng County Agriculture and Economy Comprehensive Information Platform,* December 14, 2018; "In Zealous Effort to Increase Grain Production, China Deploys Force and Coercion to 'Manage' the Countryside," *China Change,* April 30, 2023.
[78] "Word of the Week: Nongguan (Nongguan)—Rural Management Officials, or 'Legalized Bandits'?," *China Digital Times,* May 2, 2023.
[79] "In Zealous Effort to Increase Grain Production, China Deploys Force and Coercion to 'Manage' the Countryside," *China Change,* April 30, 2023. See also Gu Ting, "Zhongguo zhengfu xiang nongmin fafang yibaiyi yuan caizheng butie guli nongmin zhongliang" [Chinese government disburses 10 billion yuan in subsidies to farmers to encourage grain production], *Radio Free Asia,* April 17, 2023.
[80] "Tangshan: Chinese Police Deputy Dismissed over Attack on Female Diners," *BBC,* June 21, 2022.
[81] "Tangshan: Chinese Police Deputy Dismissed over Attack on Female Diners," *BBC,* June 21, 2022.
[82] Yang Fan and Qi Leijie, "Tangshan lianxu chuxian shiming jubao anjian: Yi zhuahuo 6 ming xianyiren" [Real-name reports continue to emerge in Tangshan: 6 suspects already in custody], *Xinhua,* June 13, 2022.
[83] "Ji minzhong wangluo shiming jubao fengchao hou, duodi jingcha ye jiaru 'wangluo shangfang' dajun" [Following the trend of internet users reporting incidents using their real names, police officers from different places also join the "online petition" crowd], *China Digital Times,* July 5, 2022.
[84] "Ji minzhong wangluo shiming jubao fengchao hou, duodi jingcha ye jiaru 'wangluo shangfang' dajun" [Following the trend of internet users reporting incidents using their real names, police officers from different places also join the "online petition" crowd], *China Digital Times,* July 5, 2022.
[85] "'Ji minzhong wangluo shiming jubao fengchao hou, duodi jingcha ye jiaru 'wangluo shangfang' dajun" [Following the trend of internet users reporting incidents using their real names, police officers from different places also join the "online petition" crowd], *China Digital Times,* July 5, 2022.
[86] Civil Rights & Livelihood Watch, "Liu Jian yin jubao tanfu bei yi shandian zui daibu" [Liu Jian arrested for subversion because he reported corruption], August 30, 2022; Rights Defense Network, "Weiquanwang: Zhongguo dalu zaiya zhengzhifan, liangxinfan yuedu baogao (2023 nian 3 yue 31 ri) di 90 qi (gong 1500 ren) (si)" [Rights Defense Network: Monthly report on political prisoners and prisoners of conscience currently detained in mainland China (March 31, 2023) Issue No. 90 (total 1500 persons) (four)], March 31, 2023. Note that Rights Defense Network reports that the basis of Liu's detention is "picking quarrels and provoking trouble."
[87] *Zhonghua Renmin Gongheguo Fan Jiandie Fa* [PRC Anti-Espionage Law], passed November 1, 2014, amended April 26, 2023, effective July 1, 2023; Jeremy Daum, "Bad as It Ever Was: Notes on the Espionage Law," *China Law Translate,* May 2, 2023; "Pinglun. Cheng Xiaonong:

Zhongguo xin ban 'Fan Jiandie Fa' de yongyi" [Commentary. Cheng Xiaonong: The motive behind China's new version of Anti-Espionage Law], *Radio Free Asia,* May 15, 2023.

[88] *Zhonghua Renmin Gongheguo Fan Jiandie Fa* [PRC Anti-Espionage Law], passed November 1, 2014, amended April 26, 2023, effective July 1, 2023, art. 2.

[89] "Xi Jinping Xin Shidai Zhongguo Tese Shehui Zhuyi Sixiang" [Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era], *Platform for Learning Xi (Xue Xi Pingtai): Holistic view of national security* (*Zongti guojia anquan guan*), accessed June 14, 2023.

[90] *Zhonghua Renmin Gongheguo Fan Jiandie Fa* [PRC Anti-Espionage Law], passed November 1, 2014, amended April 26, 2023, effective July 1, 2023, art. 4(3).

[91] Jeremy Daum, "Bad as It Ever Was: Notes on the Espionage Law," *China Law Translate,* May 2, 2023.

[92] "Pinglun. Cheng Xiaonong: Zhongguo xin ban 'Fan Jiandie Fa' de yongyi" [Commentary. Cheng Xiaonong: The motive behind China's new version of Anti-Espionage Law], *Radio Free Asia,* May 15, 2023; Peter Humphrey, "China's New Anti-Spy Law Is Just the Beginning," *Politico,* May 24, 2023.

VI. Discrimination, Societal Abuses, and Trafficking in Persons

ETHNIC MINORITY RIGHTS

Findings

- During the Commission's 2023 reporting year, Chinese Communist Party and government officials championed the "integration" of ethnic minorities, continuing the implementation of policies contravening the rights of Uyghurs, Tibetans, Mongols, Hui, and other ethnic minorities to maintain their own languages and cultures. The October 2022 election of Pan Yue to the Party Central Committee, following his June 2022 appointment to the State Ethnic Affairs Commission, indicated that Chinese leader Xi Jinping's policies of assimilation and "ethnic fusion" would likely be maintained.
- In May 2023, Hui Muslims in Yunnan province protested over official plans to forcibly remove Islamic features from a 13th-century mosque, plans that reflected authorities' intentions to "sinicize" their community. Authorities cracked down on protesters, detaining dozens at the scene and subsequently urging others to surrender to authorities. Hui Muslims interviewed by international media expressed the belief that, following authorities' demolition of domes and minarets of the mosques where they worshipped, authorities would begin to impose tighter restrictions on Muslims' ability to practice their faith.
- In a case exemplifying the risks facing Mongols fleeing China to escape surveillance and persecution, on May 3, 2023, Chinese police officers detained 80-year-old Mongol historian and writer **Lhamjab Borjigin** in Mongolia and forcibly returned him to China.

Recommendations

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

- Develop programming, both in the United States and around the world, to preserve threatened cultures and languages. The Administration should expand grant programs to assist Uyghur, Mongol, and other ethnic and religious minorities in cultural and linguistic preservation efforts. The Administration should prioritize, and Congress should fund, research, exhibitions, and education related to these efforts.
- Urge the PRC government to abide by the protections guaranteed to ethnic minorities to speak, use, and receive an education in their mother tongue, under China's Constitution, the PRC Regional Ethnic Autonomy Law, and international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the U.N. Convention on the Rights of the Child. Urge Chinese authorities to repeal policies that infringe upon the rights of ethnic minorities to teach and learn in their own language. Press Chinese officials to release

political prisoners who were detained for their advocacy of language education rights.

○ Urge Chinese authorities to allow Hui and other predominantly Muslim ethnic minority populations to freely engage in Islamic religious rituals, as a matter of their right to religious freedom, and in accordance with the Universal Declaration of Human Rights and the ICCPR, as well as China's Constitution, which prohibit discrimination based on religion.

Ethnic Minority Rights

Introduction

Authorities based the framework for the PRC's ethnic classification system, which divides the country into 56 ethnic groups (*minzu*), on an "Ethnic Classification Project" carried out by ethnologists and linguists primarily in the 1950s.[1] PRC authorities officially recognize 55 ethnic minority groups (*shaoshu minzu*), influenced by the Stalinist definition of "nationality," and nominally grant them a form of territorial autonomous governance in prescribed regions.[2] Anthropologist Gerald Roche of La Trobe University described the framework as a hierarchy that not only prioritizes the Han Chinese ethnicity and the Mandarin Chinese language but also subordinates other ethnic groups and languages, including unrecognized languages.[3] [For more information on Chinese authorities' suppression of ethnic minority languages, see Chapter 17—Tibet.]

Party and Government Policy toward Ethnic Minorities

During the Commission's 2023 reporting year, Chinese Communist Party and government authorities implemented policies that limited the freedom of ethnic minority groups to express their cultural and religious identities in contravention of the PRC Regional Ethnic Autonomy Law[4] and international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.[5] Chinese leader Xi Jinping promoted a historical narrative centering Han Chinese cultural identity and maintaining that all ethnic groups originated from a single Chinese nation.[6] Party and government officials also championed the "integration" of ethnic minorities, continuing the implementation of policies contravening the rights of Uyghurs, Tibetans, Mongols, Hui, and other ethnic minorities to maintain their own languages and cultures.[7] The October 2022 election of Pan Yue to the Party Central Committee, following his June 2022 appointment to the State Ethnic Affairs Commission, indicated that Xi's policies of assimilation and "ethnic fusion" would likely be maintained.[8] Pan has long endorsed such policies and has emphasized the need for different ethnic groups and religions to integrate into "Chinese civilization."[9]

Crackdown on Hui Religion and Culture

During this reporting year, authorities implemented campaigns in Hui religious communities that were aimed at "sinicizing" Islamic practices,[10] a trend observers say limits Hui Muslims' ability to practice their religion and culture.[11] Authorities demolished and removed features such as domes and minarets from mosques throughout China which serve Hui communities in order to "sinicize" the mosques and eradicate elements viewed as "Arabic" or "Middle Eastern."[12] According to U.S.-based Hui rights advocate Ma Ju, in Yunnan province alone, authorities have removed the domes and minarets from over two hundred mosques.[13]

In a report released in March 2023, Chinese Human Rights Defenders and Hope Umbrella International Foundation documented

a wide range of Party and government persecution of Hui Muslims in recent years.[14] The report described how Party and government authorities carried out the mass detention of Hui Muslims in the Xinjiang Uyghur Autonomous Region (XUAR) in the name of counterterrorism; closed mosques and detained Hui religious leaders as part of "sinicization" efforts; and displaced Hui communities as part of "poverty alleviation" programs.[15] In addition, the report documented the harassment and detention of lawyers representing or seeking to represent Hui individuals detained for religious reasons.[16]

Hui Muslims in Yunnan Protest over Planned Partial Demolition of Mosque

In May 2023, Hui Muslims in Yunnan protested over official plans to forcibly remove Islamic features from a 13th-century mosque,[17] plans that reflected authorities' intentions to "sinicize" their community.[18] On May 27, following the morning prayer, construction vehicles entered the courtyard of Najiaying Mosque, which is located in Nagu township, Tonghai county, Yuxi municipality, Yunnan, an area with a predominantly Hui Muslim population.[19] Hundreds of police officers in riot gear also surrounded the mosque and blocked its entrance.[20] Authorities reportedly planned to demolish four minarets and a domed roof of the mosque—Arabic-style features that authorities approved in 2004 when the current mosque was constructed but that a court ruled illegal in 2020.[21] Official plans called for the replacement of these features with traditional Chinese architectural features.[22] Thousands of residents took to the streets to protest, with some residents throwing objects, such as water bottles and bricks, at police.[23] Police officers hit some members of the crowd with batons when they demanded to enter the mosque for noon prayers, escalating the clash.[24] Authorities also detained dozens of protesters at the scene.[25] Among those detained was imam **Ma Zichang,** who had led a crowd of protesters in prayer at the gate of the mosque.[26] Police retreated hours later, allowing the protesters to temporarily return to the mosque.[27]

On May 28, Tonghai authorities issued a notice saying that the protests had "seriously disrupted social order" and that those who surrendered themselves by June 6 would be given a lighter punishment.[28] By May 29, authorities deployed drones to surveil residents, used loudspeakers to urge protesters to turn themselves in, and blocked internet and phone services with signal jammers.[29] Residents told Agence France-Presse on May 29 that several hundred police officers remained in Nagu.[30] Residents in the nearby town of Shadian, in Gejiu city, Honghe Hani and Yi Autonomous Prefecture, Yunnan—where authorities had announced similar plans to destroy Islamic features of the town's Grand Mosque—said that security personnel patrolled the town's streets on May 28.[31]

Hui Muslims in Yunnan Protest over Planned Partial Demolition of Mosque

In June, international observers posted online an official notice issued on June 15, indicating that authorities would resume demolition work at the Najiaying Mosque on June 17.[32] Bitter Winter, an online magazine that covers religious freedom in China, reported on June 28 that local police had recently called many residents living near the Najiaying and Shadian mosques to instruct them not to use virtual private networks (VPNs) to access international social media platforms or to take or post pictures or videos related to the "sinicization" of the mosques.[33]

Nagu and Shadian are two important centers for Muslim worship and the education of imams, and Hui Muslims there have historically protested against official religious persecution.[34] The Najiaying Mosque in Nagu and the Grand Mosque in Shadian are among the last mosques serving Hui worshippers that have not had their Islamic features removed by authorities.[35] Local officials attempted to coerce residents of Nagu and Shadian into showing they agreed with plans for the "alteration" of Najiaying Mosque and the Grand Mosque, visiting residents' homes to pressure them into agreement, and, in Shadian, threatening to reduce teachers' pay and investigate business owners' tax returns.[36] As Harvard anthropologist Ruslan Yusupov observed, since residents were not willing to say they agreed, authorities "attempt[ed] to resolve the emergent stalemate through a show of force and intimidation."[37] Hui Muslims in Nagu interviewed by international media expressed the belief that, following authorities' demolition of domes and minarets, authorities also would begin to impose tighter restrictions on Muslims' ability to practice their faith.[38] [For more information on freedom of religion for Muslims in China, see Chapter 3—Freedom of Religion and Chapter 18—Xinjiang.]

Constraints on Language and Ethnic Identity in the IMAR

During this reporting year, officials in the Inner Mongolia Autonomous Region (IMAR) continued to implement policies suppressing the use of Mongolian as a language of instruction in schools in the region.[39] The right of ethnic minorities to receive an education in their mother tongue is protected under international law[40] and is also protected under the PRC Regional Ethnic Autonomy Law.[41] In April 2023, the Southern Mongolian Human Rights Information Center (SMHRIC) reported that, according to the principal of a middle school in Hohhot municipality, IMAR, central government authorities had directed schools throughout the region to adopt Mandarin Chinese as the language of instruction for all subjects beginning in September 2023.[42] SMHRIC published an audio recording it said was provided by the parent of a student at the middle school, during which the principal can also be heard telling parents that their school would implement the new policy beginning in May 2023.[43] SMHRIC's report followed protests that took place in the IMAR in fall 2020 over a new policy to reduce Mongolian language instruction in several subjects in schools[44] as well as regional regulations that took effect in January 2022 regarding language, education, and ethnic unity that solidified official control and assimilation efforts.[45]

Mongols Fleeing China Face Transnational Repression, Repatriation

In a case exemplifying the risks facing Mongols fleeing China to escape surveillance and persecution, on May 3, 2023, PRC police officers took into custody 80-year-old Mongol historian and writer **Lhamjab Borjigin** in Mongolia and forcibly returned him to China.[46] It is unclear whether security authorities criminally detained Lhamjab Borjigin and, if so, what the criminal offense is for which he was detained.[47] In a statement he wrote in March 2023 after he fled to Mongolia, Lhamjab Borjigin noted that authorities in the IMAR had required him to report regularly to the local public security bureau.[48] Public security officials restricted Lhamjab Borjigin's activities and movement after he was sentenced by a court in Xilinhot city, Xilingol (Xilinguole) League, IMAR, in or around August 2019, to one year in prison, suspended for two years.[49] In April 2019, the court had tried him on charges related to "national separatism," "sabotaging national unity," and "illegal publication and illegal distribution," according to the Southern Mongolian Human Rights Information Center.[50] In July 2018, an official from the Xilinhot City People's Procuratorate reportedly told Lhamjab Borjigin that the criminal charges against him were connected to his Mongolian-language history of the Cultural Revolution.[51]

In another case of a Mongol from China experiencing transnational repression, in October 2022, Mongol language advocate Adiyaa[52] was harassed by individuals sent by the PRC embassy in Thailand while he was held in a Thai immigration detention center.[53] Adiyaa arrived in Thailand in February 2021 after fleeing China with seven family members.[54] The individuals sent by the PRC embassy reportedly comprised Chinese police and public security personnel who attempted to make Adiyaa sign documents admitting to violating Chinese laws and agreeing to return to China, which he refused to do.[55] At the time of his detention, Adiyaa had obtained refugee status from the United Nations High Commissioner for Refugees (UNHCR).[56] Thai immigration authorities released Adiyaa on bail around early November 2022,[57] and the UNHCR subsequently resettled Adiyaa in Canada.[58] [For more information on Adiyaa, see Chapter 20—Human Rights Violations in the U.S. and Globally.]

Notes to Chapter 7—Ethnic Minority Rights

[1] Thomas Mullaney, *Coming to Terms with the Nation: Ethnic Classification in Modern China* (University of California Press, 2011), 3–12.

[2] See, e.g., Uradyn Bulag, "Nationality/Minzu," China Columns, *Made in China Journal,* September 4, 2020. Uradyn Bulag discusses the complex historical and political forces that have influenced Chinese leaders' use and promotion of the concepts of nation, nationality, race, and ethnicity denoted by the term "*minzu*." See also "Minzu," Xinjiang Documentation Project, University of British Columbia, accessed September 30, 2022; State Ethnic Affairs Commission, reprinted in PRC Central People's Government, "Zhongguo minzu" [China's ethnic groups], accessed June 13, 2023; Thomas Mullaney, *Coming to Terms with the Nation: Ethnic Classification in Modern China* (University of California Press, 2011), 11–12.

[3] Gerald Roche, "Articulating Language Oppression: Colonialism, Coloniality and the Erasure of Tibet's Minority Languages," *Patterns of Prejudice* 53, no. 5 (2019): 490, 493–501, 514.

[4] The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of ethnic minority "nationalities" in addition to a system of regional autonomy in designated areas. *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, arts. 10, 11, 21, 36, 37, 47, 49, 53.

[5] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, arts. 22, 27; International Covenant on Economic, Social and Cultural Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 1; International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 27; Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of December 18, 1992, arts. 2, 4; James Millward, "China's New Anti-Uyghur Campaign," *Foreign Affairs,* January 23, 2023; "Interview: 'They Are Away from Their Families, Language, Religion and Culture.,'" *Radio Free Asia,* February 8, 2023.

[6] Chris Buckley, Vivian Wang, and Joy Dong, "One Nation Under Xi: How China's Leader Is Remaking Its Identity," *New York Times,* October 11, 2022. See also "Xi Jinping zai Wenhua Chuancheng Fazhan Zuotanhui shang qiangdiao dan fu qi xin de wenhua shiming nuli jianshe Zhonghua minzu xiandai wenming" [Xi Jinping emphasized at the Symposium on Cultural Inheritance and Development [the need to] take up the new cultural mission and strive to build the modern civilization of the Chinese nation], *People's Daily,* June 3, 2023.

[7] Chris Buckley, Vivian Wang, and Joy Dong, "One Nation Under Xi: How China's Leader Is Remaking Its Identity," *New York Times,* October 11, 2022; James Millward, "China's New Anti-Uyghur Campaign," *Foreign Affairs,* January 23, 2023; Southern Mongolian Human Rights Information Center, "New Details Confirm China's Goal of Total Erasure of Mongolian Language Education in Southern Mongolia," April 11, 2023; Chinese Human Rights Defenders, "Will the Hui be Silently Erased?— A groundbreaking report on the Chinese government's campaign to eliminate Hui Muslim identity and the crisis of survival for the Hui and Islam in China," March 22, 2023; The PRC Regional Ethnic Autonomy Law contains protections for the languages, religious beliefs, and customs of ethnic minority "nationalities" in addition to a system of regional autonomy in designated areas. *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, arts. 10, 11, 21, 36, 37, 47, 49, 53; Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, arts. 22, 27; International Covenant on Economic, Social and Cultural Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 1; International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 27; Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by U.N. General Assembly resolution 47/135 of December 18, 1992, arts. 2, 4. For a discussion of officials' implementation of policies contravening the rights of ethnic minorities to maintain their own languages and cultures during the 2022 reporting year, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 162–165. See also "Ma Rong: Jinyibu zhulao Zhonghua minzu gongtongti yishi" [Further forge the common consciousness of the Chinese nation], *Global Times,* July 10, 2022.

[8] Aaron Glasserman, "Touting 'Ethnic Fusion,' China's New Top Official for Minority Affairs Envisions a Country Free of Cultural Difference," *ChinaFile,* Asia Society, February 24, 2023; Chris Buckley, Vivian Wang, and Joy Dong, "One Nation Under Xi: How China's Leader Is Remaking Its Identity," *New York Times,* October 11, 2022; "(CPC Congress) List of Members of 20th CPC Central Committee," *Xinhua,* October 22, 2022. The term "ethnic fusion" (*minzu ronghe*) refers to non-Han ethnic groups' adoption of the language and customs used by the Han Chinese ethnic group.

[9] Aaron Glasserman, "Touting 'Ethnic Fusion,' China's New Top Official for Minority Affairs Envisions a Country Free of Cultural Difference," *ChinaFile,* Asia Society, February 24, 2023; Chris Buckley, Vivian Wang, and Joy Dong, "One Nation Under Xi: How China's Leader Is Remaking Its Identity," *New York Times,* October 11, 2022; "Pan Yue: Yi Dang de Ershi Da jingshen wei zhiyin, fenli tuijin zhulao Zhonghua minzu gongtongti yishi gongzuo" [Pan Yue: Guided by the spirit of the 20th National Congress of the Chinese Communist Party, strive to promote the work of building the common consciousness of the Chinese nation], *Research on Agency Party-building,* no. 11, 2022, reprinted in Lanzhou University Party Committee United Front Work Department.

[10] Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023; Chen Tao, "Hui Mosques and Cemeteries 'Sinicized' in Qinghai, Yunnan, Beijing, and Shanghai," *Bitter Winter,* September 23, 2022.

[11] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?—A Groundbreaking Report on the Chinese Government's Campaign to Eliminate Hui Muslim Identity and the Crisis of Survival for the Hui and Islam in China," March 22, 2023; James Jennion, "China's Repression of the Hui: A Slow Boil," *Diplomat,* June 15, 2021; Emily Feng, "'Afraid We Will Become the Next Xinjiang': China's Hui Muslims Face Crackdown," *NPR,* September 26, 2019; "Hui Muslims and the 'Xinjiang Model' of State Suppression of Religion," Congressional-Executive Commission on China, March 29, 2021.

[12] Chen Tao, "Hui Mosques and Cemeteries 'Sinicized' in Qinghai, Yunnan, Beijing, and Shanghai," *Bitter Winter,* September 23, 2022; "China Remodels Major Mosque in Beijing to Remove Middle Eastern Influence," *Radio Free Asia,* September 13, 2022; William Yang, "China's Campaign to 'Sinicize' Islam Curbs Religious Freedom," *Deutsche Welle,* June 7, 2023. See also Emily Feng, "Afraid We Will Become The Next Xinjiang': China's Hui Muslims Face Crackdown," *NPR,* September 26, 2019; Jessica Batke, "Planting the Flag in Mosques and Monasteries," *ChinaFile,* Asia Society, December 13, 2022.

[13] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023.

[14] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?—A Groundbreaking Report on the Chinese Government's Campaign to Eliminate Hui Muslim Identity and the Crisis of Survival for the Hui and Islam in China," March 22, 2023.

[15] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?—A Groundbreaking Report on the Chinese Government's Campaign to Eliminate Hui Muslim Identity and the Crisis of Survival for the Hui and Islam in China," March 22, 2023.

[16] Chinese Human Rights Defenders and Hope Umbrella International Foundation, "Will the Hui Be Silently Erased?—A Groundbreaking Report on the Chinese Government's Campaign to Eliminate Hui Muslim Identity and the Crisis of Survival for the Hui and Islam in China," March 22, 2023.

[17] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023; Christian Shepherd and Vic Chiang, "Chinese Police Clash with Protesters over Plans to Demolish Mosque," *Washington Post,* May 29, 2023.

[18] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[19] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023; "Hui Muslims and Police Clash in China's Yunnan over Mosque Dome Demolition," *Radio Free Asia,* May 30, 2023.

[20] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023; "Hui Muslims and Police Clash in China's Yunnan over Mosque Dome Demolition," *Radio Free Asia,* May 30, 2023; Nicholas Yong, "Yunnan Protest: Mosque Closure Sees Clashes with Security Forces," *BBC,* May 30, 2023.

[21] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023; Emily Feng, "The Plan to Remove a Mosque's Domes in China Sparks Rare Protest," *NPR,* May 31, 2023; Amy Hawkins and Chi Hui Lin, "Protesters Clash with Police in China over Partial Demolition of Mosque," *Guardian,* May 30, 2023; Nicholas Yong, "Yunnan Protest: Mosque Closure Sees Clashes with Security Forces," *BBC,* May 30, 2023.

[22] Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023. See also Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[23] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023; Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023.

[24] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023.

[25] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023; Emily Feng, "The Plan to Remove a Mosque's Domes in China Sparks Rare Protest," *NPR,* May 31, 2023.

[26] Ma Ju (@majuismail1122), "!!Ju Najiaying renshi chongchu chongwei, maoxian chuan lai de xinxi ...." [!!According to the information from the Najiaying people who broke out of the siege], Twitter, June 2, 2023, 9:03 p.m. For more information on Ma Zichang, see the Commission's Political Prisoner Database record 2023-00137.

[27] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023; Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[28] Mingcheng Tonghai [Famous City Tonghai] (@lymbth), "Guanyu duncu xiangguan weifa fanzui xianyi ren tou'an zishou de tonggao" [Notice urging relevant criminal suspects to surrender], WeChat post, May 28, 2023; Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023.

[29] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023; Emily Feng, "The Plan to Remove a Mosque's Domes in China Sparks Rare Protest," *NPR,* May 31, 2023.

[30] "Unspecified Numbers Arrested after Partial Mosque Demolition Sparks Protests in Southwest China," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* May 30, 2023.

[31] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[32] Ma Ju (@majuismail1122), "Najiaying zuixin qingkuang!!" [The latest situation in Najiaying!!], Twitter, June 15, 2023, 7:35 a.m.; Wlodek Cieciura (@Frogdeck), "The administra-

tion of the Najiaying mosque announced yesterday . . .," Twitter, June 16, 2023, 1:57 p.m.; Chen Tao, "Yunnan, 'Sinicization' of Mosques, Temporarily Suspended After Protests, Started Again," *Bitter Winter,* June 28, 2023.

[33] Chen Tao, "Yunnan, 'Sinicization' of Mosques, Temporarily Suspended After Protests, Started Again," *Bitter Winter,* June 28, 2023.

[34] Ruslan Yusupov, "'Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023; Emily Feng (@EmilyZFeng), "2/ In my years of reporting on faith communities in China . . .," Twitter, May 31, 2023, 8:06 p.m.

[35] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023; Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023.

[36] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023; Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023.

[37] Ruslan Yusupov, "Chinese Muslims and Police Clash over Partial Demolition of Historic Mosque," *China Project,* May 30, 2023.

[38] Nectar Gan and Wayne Chang, "Thousands of Ethnic Minority Muslims Defy Chinese Authorities in Defense of Mosque," *CNN,* June 2, 2023; Vivian Wang, "Behind a Rare Clash, a Fight over Faith in China," *New York Times,* June 8, 2023. See also William Yang, "China's Campaign to 'Sinicize' Islam Curbs Religious Freedom," *Deutsche Welle,* June 7, 2023.

[39] For a discussion of the official implementation of policies restricting the use of the Mongolian language in schools in the IMAR in recent years, see, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 164–165; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 117–120.

[40] Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by U.N. General Assembly resolution 47/135 of December 18, 1992, arts.2(1), 4(2-4); International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 27. See also PEN America, "Decision to Ban Uyghur Language in Xinjiang Schools an Attack on the Minority Group's Linguistic and Cultural Rights," August 3, 2017.

[41] *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, arts. 36, 37.

[42] Southern Mongolian Human Rights Information Center, "New Details Confirm China's Goal of Total Erasure of Mongolian Language Education in Southern Mongolia," April 11, 2023. See also "China Orders Mongolian-Medium Schools to Switch to Mandarin by September," *Radio Free Asia,* April 11, 2023.

[43] Southern Mongolian Human Rights Information Center, "New Details Confirm China's Goal of Total Erasure of Mongolian Language Education in Southern Mongolia," April 11, 2023.

[44] James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021; Christopher P. Atwood, "Bilingual Education in Inner Mongolia: An Explainer," *Made in China Journal,* August 30, 2020; Christian Shepherd and Emma Zhou, "Authorities Quash Inner Mongolia Protests," *Financial Times,* September 9, 2020. For more information on the fall 2020 protests, see Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 117—19.

[45] Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Jiaoyu Tiaoli* [Inner Mongolia Autonomous Region Education Regulations], passed September 29, 2021, effective January 1, 2022, arts. 8–10; Inner Mongolia Autonomous Region People's Congress Standing Committee, *Nei Menggu Zizhiqu Shishi "Zhonghua Renmin Gongheguo Guojia Tongyong Yuyan Wenzi Fa" Banfa* [Inner Mongolia Autonomous Region Measures on the Implementation of the "PRC Standard Spoken and Written Language Law"], passed September 29, 2021, effective January 1, 2022, arts. 1–4, 7–15, 18–26; James Leibold, "The Not-so Model Minority: Xi Jinping's Mongolian Crackdown," *China Leadership Monitor* 70 (Winter 2021), December 1, 2021. For more information on the regulations issued in January 2022, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 164—65.

[46] Southern Mongolian Human Rights Information Center, "Chinese Police Makes Arrest on Mongolian Soil, Deporting Prominent Writer," May 11, 2023; Safeguard Defenders, "Chinese Police Kidnaps Writer in Mongolia," June 12, 2023. For more information on Lhamjab Borjigin, see the Commission's Political Prisoner Database record 2019-00105 and Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 131.

[47] Southern Mongolian Human Rights Information Center, "Chinese Police Makes Arrest on Mongolian Soil, Deporting Prominent Writer," May 11, 2023.

[48] Southern Mongolian Human Rights Information Center, "A Testimony by Southern Mongolian Dissident Writer Lhamjab Borjigin," March 27, 2023.

[49] Southern Mongolian Human Rights Information Center, "A Testimony by Southern Mongolian Dissident Writer Lhamjab Borjigin," March 27, 2023; "Ethnic Mongolian Author Sentenced, Placed Under 'Community Correction' Order," *Radio Free Asia,* September 16, 2019.

[50] Southern Mongolian Human Rights Information Center, "Writer Tried behind Closed Doors as 'National Separatist', Pending Sentence," April 11, 2019.

[51] "Neimeng qi xun zuojia jiu zuo fanyi Hanzi zao qingsuan, dangju niyi fenlie zui qisu" [Translation into Chinese of Inner Mongolian 70-year-old writer's old work is condemned; authorities plan to prosecute for separatism], *Radio Free Asia,* July 23, 2018.

[52] Adiyaa's name is listed as Wu Guoxing on Chinese identification documents. Southern Mongolian Human Rights Information Center, "Tortured by Chinese State Security Agents in Thailand, Southern Mongolian Activist Faces Deportation," November 1, 2022; "Ethnic Mongolian UN-Registered Refugee Threatened by Chinese Agents in Bangkok," *Radio Free Asia,* November 3, 2022.

[53] Southern Mongolian Human Rights Information Center, "Tortured by Chinese State Security Agents in Thailand, Southern Mongolian Activist Faces Deportation," November 1, 2022; "Ethnic Mongolian UN-Registered Refugee Threatened by Chinese Agents in Bangkok," *Radio Free Asia,* November 3, 2022.
[54] Southern Mongolian Human Rights Information Center, "Tortured by Chinese State Security Agents in Thailand, Southern Mongolian Activist Faces Deportation," November 1, 2022.
[55] Southern Mongolian Human Rights Information Center, "Tortured by Chinese State Security Agents in Thailand, Southern Mongolian Activist Faces Deportation," November 1, 2022; "Ethnic Mongolian UN-Registered Refugee Threatened by Chinese Agents in Bangkok," *Radio Free Asia*, November 3, 2022.
[56] Southern Mongolian Human Rights Information Center, "Tortured by Chinese State Security Agents in Thailand, Southern Mongolian Activist Faces Deportation," November 1, 2022; "Ethnic Mongolian UN-Registered Refugee Threatened by Chinese Agents in Bangkok," *Radio Free Asia,* November 3, 2022.
[57] "Ethnic Mongolian UN-Registered Refugee Threatened by Chinese Agents in Bangkok," *Radio Free Asia,* November 3, 2022.
[58] Southern Mongolian Human Rights Information Center, "Chinese Police Makes Arrest on Mongolian Soil, Deporting Prominent Writer," May 11, 2023.

STATUS OF WOMEN

Findings

- Authorities in the People's Republic of China (PRC) have increasingly treated women's public participation as politically sensitive. Cases of official retaliation or punishment against women who have gone public with criticism of the Chinese Communist Party and PRC government are well documented during Chinese leader Xi Jinping's first decade in power. This past year, public security officials reportedly focused on identifying "feminists" among those detained for participating in the November 2022 anti-COVID lockdown (White Paper) protests.
- In May 2023, a U.N. expert committee reviewed China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Submissions from independent nongovernmental organizations to the CEDAW Committee focused on authorities' widespread use of gender-based violence and harassment against women political and religious prisoners in China.
- The 20th National Congress of the Chinese Communist Party in October 2022 illustrated the underrepresentation of female Party members in the Party's seniormost ranks, reflecting male-dominated institutional barriers to political leadership in the PRC. No women were among the 24 individuals selected to join the 20th Party Central Committee Political Bureau or its 7-member Standing Committee, China's paramount policy and decisionmaking body led by Xi Jinping.
- China's "huge arsenal of laws designed to combat and punish domestic violence" is failing Chinese women, including those women who have turned to the courts for personal safety protection orders, according to a U.S.-based scholar. According to official data, judges throughout China granted 4,497 protection orders in 2022. In contrast, a domestic violence hotline app in China reportedly received 13,000 calls in August 2022 alone.
- International reports about gender-based violence in China this past year raised concerns about an official policy that coerces Uyghur women to marry Han men; the use of strip searches to humiliate women rights defenders in detention; and the use of online harassment and threats against women journalists of Chinese and Asian descent as a way to silence their reporting on China.

Recommendations

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

- Publicly and privately urge Chinese officials to respect the freedom of expression and assembly of all rights advocates and to refrain from harassing and intimidating independent women's rights advocates who seek to increase awareness of gender inequality and sexual harassment. Raise the cases of women whom PRC authorities have detained for their efforts to advocate for human rights, to document social and political developments, to peacefully express their opinions on social media,

and to practice their religious faith without government repression, including **Huang Xueqin, Li Qiaochu, He Fangmei, Rahile Dawut, Niu Xiaona, Li Kangmeng, Xu Na, Kamile Wayit,** and other women mentioned in this report and in the Commission's Political Prisoner Database.

- Urge Chinese authorities to publicly expand the commitment to gender equality through measures such as increasing the number of women at the highest levels of political leadership, instituting gender equality and anti-harassment training in government workplaces, and challenging discriminatory attitudes based on gender, through public education.
- Acknowledge recent legal developments in China aimed at promoting the welfare of women and gender equality. These include the amended PRC Law on the Protection of Women's Rights and Interests and new guidelines that include provisions to improve women's rights and conditions in the workplace. Encourage the government to strengthen formal support services for implementation—for example, by increasing funding for health services or shelters for women experiencing violence, providing funding and support for lawyers to provide legal services, and allowing independent lawyers and advocates to assist with the promotion and implementation of laws related to gender equality through lawsuits and public campaigns.
- In light of the lack of sufficient data on women's conditions in China, as raised by experts on the U.N. committee that reviewed China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women in May 2023, encourage the collection, analysis, and public availability of data on disparities in economic and social factors based on gender so as to monitor changes and develop policies and programs that contribute to gender equality and rights protection for women, including those with disabilities, the elderly, and ethnic minorities.
- Support international exchanges among academics, legal advocates, nongovernmental organizations, and others that focus on the implementation and enforcement of recently adopted laws promoting gender equality. In particular, facilitate and support technical assistance programs that would help all those working in and with the judiciary to effectively implement the PRC Anti-Domestic Violence Law and the PRC Law on the Protection of Women's Rights and Interests. Train law enforcement, as the first point of contact, to address reports of violence in a way that does not undermine victims' concerns or safety. Urge provincial-level government officials to implement new provisions that hold employers responsible for enforcing protections against gender discrimination and sexual harassment in the workplace.

STATUS OF WOMEN

Introduction

Chinese Communist Party and PRC government authorities—through policy, law, and action—continued to violate women's human rights, including women's rights to freedom of expression, freedom of association and assembly, digital privacy, and rights relating to childbearing and familial relations and participation in political and public life. Moreover, by not adequately implementing laws and regulations aimed at protecting women from discrimination, domestic violence, and other practices harmful to women, the government failed to fulfill its obligations under China's domestic laws and policies and its commitments under the U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which it ratified in 1980.[1]

Political Representation and Public Participation

TWENTIETH PARTY CONGRESS: NO FEMALE REPRESENTATION IN TOP LEADERSHIP BODY

In October 2022, Xi Jinping secured a third term as the Chinese Communist Party's General Secretary during its 20th National Congress, breaking with the two-term norm established in the post-Mao period.[2] Xi did not break the longstanding underrepresentation of women in the Party's seniormost ranks,[3] however, neglecting to select a senior female Party member to join the Central Committee Political Bureau (Politburo) despite the presence of at least one female Party member on the Politburo over the past 20 years.[4] The exclusion of women from seniormost positions of political power is a consequence of the Party's male-dominated system, according to experts.[5] Official statements that support female cadre inclusion[6] have not been met with institutional and cultural changes to facilitate career advancement for female cadres.[7] Thus, 24 men, including Xi Jinping, sit on the 20th Central Committee Politburo, 6 of whom were selected by Xi to join him on the Politburo Standing Committee—the PRC's paramount political decision- and policymaking group.[8] One researcher observed that Xi's centralization of power and appointment of male loyalists around him has further marginalized Chinese women's overall participation in politics.[9] Further evidence of the lack of women in Party leadership is the absence of female Party Secretaries for any of China's 31 provinces and province-level municipalities and autonomous regions,[10] a senior-level position seen as a potential channel for promotion to the Central Committee.[11] The inclusion of 11 women among the full 205-member 20th Central Committee[12] and 22 women among the 171 alternate members[13] is consistent with previous rates of female representation.[14] [For more information on developments during the 20th Party Congress, see Chapter 6—Governance.]

POLITICAL SENSITIVITY OVER WOMEN'S PUBLIC PARTICIPATION

China's authoritarian suppression of women's public participation continued this past year at the same time that officials es-

poused high-minded rhetoric on gender equality and amended legislation to strengthen the legal framework for women's rights.[15] The suppression has been ascribed to Party leaders' perception that women's public participation may be politically sensitive,[16] particularly women's public claims of sexual harassment.[17] When tennis star Peng Shuai accused retired male Party leader Zhang Gaoli—formerly a Politburo Standing Committee member and Vice Premier of the State Council—of sexual assault in November 2021,[18] the All-China Women's Federation, the Party's "bridge" to women, is not known to have commented publicly about Peng's claims.[19] Moreover, Zhang was highly visible during the 20th Party Congress, sitting with other senior leaders in the front row of seats,[20] while Peng has been incommunicado since February 2022.[21] Cases of official retaliation against, or detention of, women who have criticized the Party are well documented during Xi Jinping's decade in power,[22] including former Central Party School instructor Cai Xia, feminist advocate Zheng Churan, critic Dong Yaoqiong, and publisher Geng Xiaonan.[23] This past year, public security officials focused on identifying "feminists" among the November 2022 anti-COVID lockdown (White Paper) protesters, some of whom were later detained.[24] [For further information on the detention of anti-lockdown protesters who were targeted for feminist interests, see Chapter 1—Freedom of Expression.]

CEDAW Review in May 2023

In May 2023, the U.N. Committee on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Committee) reviewed the Chinese government's compliance with CEDAW.[25]

WOMEN POLITICAL AND RELIGIOUS PRISONERS

Reports from independent nongovernmental organizations (NGOs) to the CEDAW Committee described the PRC's use of gender-based violence and harassment against women political and religious prisoners in China. As evidence, the NGOs described dozens of cases in which PRC authorities used arbitrary detention[26] and prolonged detention;[27] sexual violence against Uyghur and other Turkic-speaking women;[28] strip searches and other forms of physical and emotional torture while in detention;[29] the denial of adequate food and medical treatment, unsanitary conditions;[30] and reprisals against women in detention.[31] Although the total number of women detained in China for the peaceful exercise of their human rights is not known, the San Francisco-based Dui Hua Foundation has entered over 14,700 cases of women political prisoners in its database, of whom more than 2,000 were believed to be in detention at the time of its written submission to the CEDAW Committee in April 2023.[32] Select cases of women in detention as of June 30, 2023, include the following.[33]

- **He Fangmei** has been a target of official harassment for her advocacy of vaccine safety following the illness of one her children from a defective vaccine.[34] Authorities have kept her in detention in Xinxiang municipality, Henan province, since October 2020.[35]

- **Li Qiaochu** is detained in Linyi municipality, Shandong province, in connection with exposing online the torture in detention of her partner—citizen rights and legal advocate Xu Zhiyong—and lawyer activist Ding Jiaxi.[36] Authorities detained Li in February 2020 the day after Xu was detained, and released her on bail in June 2020, yet have denied bail since her formal arrest on February 26, 2021, despite her serious depression and other ailments in detention.[37]
- **Rahile Dawut,** a Uyghur folklore scholar and former faculty member at Xinjiang University, was "disappeared" by officials in December 2017.[38] It is believed that authorities initially held her in a mass internment camp, and it was later confirmed that she was criminally prosecuted and sentenced to a prison term of unknown length.[39]
- **Niu Xiaona** is a disabled Falun Gong practitioner whom authorities in Heilongjiang province sentenced to 15 years' imprisonment in 2022 under Article 300 of the PRC Criminal Law—the crime of "organizing and using a cult organization to undermine implementation of the law."[40] She suffers from rheumatoid arthritis and is unable to walk or attend to her daily needs without assistance.[41] The Dui Hua Foundation commented that Niu's sentence is "one of the longest prison sentences known to have been given to Falun Gong practitioners convicted of the sole offense of Article 300."[42]

CHINESE WOMEN'S RIGHTS IN LAW

The PRC delegation's presentation on May 12, 2023, to the CEDAW committee and its prior written documentation featured the Chinese government's passage of laws as a means of strengthening women's rights.[43] They highlighted the PRC Anti-Domestic Violence Law (passed in 2015),[44] a provision in the PRC Civil Code (2020) regarding sexual harassment,[45] and extensive revisions to the PRC Law on the Protection of Women's Rights and Interests (Women's Rights Law, 2022).[46] While the amended Women's Rights Law, which went into effect on January 1, 2023, contains commendable legal provisions,[47] practitioners[48] and scholars[49] alike have previously pointed to gaps between the law in theory and in practice in China, finding that the "social reality rampant with gender inequalities has rendered most gender legislation in China merely guidelines instead of implementable laws. . . ."[50] Additionally, experts have linked the Party's public focus on "defining women's interests" and the promotion of women's rights legislation with Party efforts toward "consolidation of power and societal stabilization."[51] Considered within this context, a Hong Kong-based legal expert described the amended Women's Rights Law as "an apparatus response to President Xi Jinping's frequent mention of gender equality."[52]

CHINESE INFLUENCE EFFORTS AT CEDAW

PRC authorities' efforts to influence the U.N. system were evident in advance of and during the May 2023 CEDAW review and demonstrated the "worrying ways in which China pursues influence over the composition, role and attributions of the [U.N. Treaty

Bodies], and active government efforts to deter inputs from independent NGOs, while facilitating inputs from government-aligned organisations," according to the NGO International Service for Human Rights.[53] One indication of China's "pursuit of influence" is the election in late 2020 of an All-China Women's Federation (ACWF) vice president, Xia Jie, to the 23-member CEDAW Committee for a standard three-year term (2021–2024).[54] Xia did not appear to have an active role in asking Chinese delegates questions during the two public CEDAW Committee sessions on May 12, 2023,[55] but her ACWF affiliation[56] is seemingly at odds with the Committee mandate for experts to "serve in their personal capacities, and not as representatives of the States parties which present their candidature."[57] Organizations affiliated with the Chinese Communist Party and PRC government[58] submitted more than one-third of the 52 nongovernmental reports to the CEDAW Committee.[59] Several of these purported "nongovernmental" groups gave oral reports to the CEDAW Committee on May 8, 2023, during time reserved for NGOs.[60]

Gender-Based Violence

DOMESTIC VIOLENCE: TOO FEW PROTECTION ORDERS

China's "huge arsenal of laws designed to combat and punish domestic violence" is failing Chinese women, including those who have turned to the courts for personal safety protection orders, according to a U.S.-based legal scholar.[61] According to the data provided in the Supreme People's Court (SPC) annual work reports to the National People's Congress, judges granted 11,272 protection orders between 2017 and 2021.[62] In March 2023, an SPC vice president claimed that the courts granted 34 percent more protection orders in 2022 over those issued in 2021, which equals 4,497 protection orders, based on the SPC's report of 3,356 orders issued in 2021.[63] A domestic violence hotline app using WeChat as a platform reportedly received 13,000 calls in August 2022 alone.[64] The government does not publish comprehensive data about domestic violence in China,[65] complicating research, policymaking, and the provision of services to domestic violence victims.[66]

The SPC released Provisions on Several Issues on the Application of the Law in Handling Cases of Personal Safety Protection Orders ("Provisions") in July 2022,[67] adding to regulatory and guiding documents issued in the past three years aimed at improving access to protection orders.[68] Judges, however, have hindered the granting of protection orders by turning to mediation between the domestic violence victim and batterer;[69] not accepting many forms of evidence; and maintaining an overly high standard of proof to establish domestic violence claims.[70] The new Provisions attempt to clarify the scope of acceptable evidence in protection order applications and expand the circumstances that constitute domestic violence, including emotional abuse.[71] The Provisions also highlight that applications for protection orders are no longer linked to divorce proceedings,[72] as they were prior to the PRC Anti-Domestic Violence Law.[73]

SEXUAL HARASSMENT AND ASSAULT

Reports of sexual harassment and assault in China continued to be a focus of public concern this past year,[74] including accusations on social media of sexual harassment at universities[75] and in the workplace,[76] and in videos and photos of brutal assaults of women by men.[77] In one of the most notorious incidents recently captured on video and widely shared on social media, a man and his companions assaulted four women in June 2022 at a restaurant in Tangshan municipality, Hebei province, after one of the women rebuffed a sexual advance.[78] Authorities reportedly prevented many domestic journalists from reporting about the Tangshan incident, and harassed and detained journalists **Mao Huibin**[79] and **Zhang Weihan.**[80] Hundreds of social media accounts reportedly were shut down for alleged rumormongering.[81] In September 2022, a court in Langfang municipality, Hebei, sentenced the main assailant in the Tangshan incident to 24 years in prison on multiple charges, mostly related to organized crime.[82] Critics were concerned that authorities had downplayed the gender-based nature of the violence, noting that authorities attempted to allay public opinion by claiming only a few "bad actors" were involved,[83] emphasizing law and order,[84] and censoring content linked to gender and women's rights.[85]

The Commission also continued to observe reports this past year about PRC authorities' use of sexual harassment, censorship, and violence to target women they deem threatening to the Party, including the following:

- **Coerced interethnic marriage in the Xinjiang Uyghur Autonomous Region (XUAR).** In November 2022, the Uyghur Human Rights Project reported on the Chinese government policy since 2018 to coerce ethnic intermarriage between Han men and Uyghur women as part of its "de-extremification" program in the XUAR.[86] In some reported cases, Uyghur women agreed to marry Han men due to threats that the women's family members would be placed in mass internment centers or that an interethnic marriage would lead to the release of detained family members.[87]
- **Women human rights defenders strip-searched in police stations and detention centers.** In an April 2023 report, Chinese Human Rights Defenders reported findings from a series of interviews it held with about a dozen women human rights defenders in China.[88] Interviewees described instances of being taken into detention centers or police stations during which public security officials subjected them to strip searches as a form of punishment or reprisal for their rights advocacy.[89]
- **Harassment of women journalists of Chinese or Asian descent.** The Foreign Correspondents' Club of China documented the online harassment of Chinese and Asian women journalists in its 2022 survey of working conditions in China.[90] This is consistent with a report from the Australian Strategic Policy Institute (ASPI) in June 2022, which documented gender-based cyberstalking and cyber-harassment of women journalists of Chinese or Asian descent outside China.[91] One of the ASPI researchers described the motivation behind the harass-

ment as an effort "to silence the view of these women and also [to] serve as a deterrence against others reporting critically on China . . .."[92]

Notes to Chapter 8—Status of Women

[1] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by UN General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed April 30, 2023. China signed CEDAW on July 17, 1980, and ratified it on November 4, 1980.

[2] Guoguang Wu, "New Faces of Leaders, New Factional Dynamics: CCP Leadership Politics Following the 20th Party Congress," *China Leadership Monitor* 74, December 1, 2022.

[3] "Xi Jinping zai dapo 20 nian chuantong wu nüxing jinru zhongyang zhengzhiju" [Xi Jinping breaks another 20-year tradition, no women enter the Central Committee Political Bureau], *Voice of America,* October 24, 2022. Women make up approximately 30 percent of the Party's 97 million members.

[4] "Xi Jinping zai dapo 20 nian chuantong wu nüxing jinru zhongyang zhengzhiju" [Xi Jinping breaks another 20-year tradition, no women enter the Central Committee Political Bureau], *Voice of America,* October 24, 2022. Wu Yi joined the 16th Party Congress Politburo in 2002. See also Cheng Li, "The Reshuffling Report: Female Representation in the Chinese Leadership Prior to the Party Congress," *China-US Focus*, June 9, 2022.

[5] Erin Hale, "China's Communist Party at 100: Where Are the Women?," *Al Jazeera,* June 30, 2021; Mimi Lau, "Why Are Women Unlikely to Win Promotion Race at China's Communist Party Congress?," *South China Morning Post,* October 2, 2022. In a recently published book, scholar Jérôme Doyon analyzed Party activity at several elite universities, showing the already highly masculine culture of the Party at an early stage of participation. Jérôme Doyon, *Rejuvenating Communism* (Ann Arbor, Michigan: University of Michigan Press, 2023), 9, 99–100. See also Vanessa Cai, "State Councillor Shen Yiqin The One Woman at the Top of Chinese Politics," *South China Morning Post,* March 12, 2023.

[6] "Xi Jinping: Gaoju Zhongguo tese shehui zhuyi weida qizhi wei quanmian jianshe shehui zhuyi xiandaihua guojia er tuanjie fendou—zai Zhongguo Gongchandang di ershi ci Quanguo Daibiao dahui shang de baogao" [Hold high the great banner of socialism with Chinese characteristics and strive in unity to build a modern socialist country in all respects—report given at the Chinese Communist Party 20th National Party Congress], October 16, 2022, reprinted in *Xinhua,* October 25, 2022; *Zhongguo Gongchandang Zhangcheng* [Constitution of the Chinese Communist Party], adopted September 6, 1982, amended October 22, 2022, art. 35. Article 35 states that "The Party attaches great importance to the training and promotion of female officials and ethnic minority officials."

[7] Xinhui Jiang, Sarah Eaton, and Genia Kostka, "Provinces in Command: Changes in Prefectural Appointments from Hu Jintao to Xi Jinping (2003–2020)," *Journal of Contemporary China 32*, no. 144 (2023); Jérôme Doyon, *Rejuvenating Communism* (Ann Arbor, Michigan: University of Michigan Press, 2023), 9–10, 97–99, 116; Alexandra Stevenson, "Leadership Changes Reveal That in China, Men Still Rule," *New York Times,* October 23, 2022.

[8] "The 20th Politburo," *South China Morning Post,* accessed April 20, 2023.

[9] Ahana Roy, "20th Party Congress and Women in China's Elite Politics," Organisation for Research on China and Asia, October 4, 2022.

[10] "31 ge sheng shi qu Dangwei, Renda changweihui, zhengfu, Zhengxie si tao banzi yibashou mingdan (jianli)" [List of the first-in-command (bios) for the four groups: 31 provincial, province-level municipality and autonomous region Party committees, NPC Standing Committee, government, and CPPCC], *China Economic Net,* May 31, 2023.

[11] Cheng Li, "The Reshuffling Report: Provinces: The Key to Pekingology," *China-US Focus*, March 8, 2022; Rahul Karan Reddy and Omkar Bhole, "Xi's Loyalists: A Breakdown of China's New Leadership" Organisation for Research on China and Asia, November 3, 2022; Cheng Li, "The Reshuffling Report: Provinces: The Ongoing Reshuffling of Provincial Party Committees," *China-US Focus*, March 27, 2022.

[12] "List of Members of 20th CPC Central Committee," *Xinhua,* October 22, 2022.

[13] "Women Fill 8.8% of China's Top Body as Xi's Patriarchy Rolls On," *Bloomberg,* October 22, 2022; "List of Alternate Members of 20th CPC Central Committee," *Xinhua,* October 22, 2022.

[14] Cheng Li, "The Reshuffling Report: Female Representation in the Chinese Leadership Prior to the Party Congress," *China-US Focus*, June 9, 2022; Sierra Janik, Daniel Blaugher, and Jonathan Ray, U.S.-China Economic and Security Review Commission, "Women in China's Leadership," March 30, 2022.

[15] Chen Jun, "Zhongguo xin xiuding de Funü Quanyi Baozhang Fa de juti luoshi he jiandu mianlin tiaozhan" [Practical implementation and oversight of China's newly revised Law on the Protection of Women's Rights and Interests encounters challenges], *Voice of America,* November 8, 2022.

[16] Alexandra Stevenson, "Leadership Changes Reveal That in China, Men Still Rule," *New York Times*, October 23, 2022; Paul Eckert, "Interview: 'There Have Been Many Years of Build-up to This Moment,'" *Radio Free Asia,* November 29, 2022.

[17] Xinhui Jiang and Yunyun Zhou, "Coalition-Based Gender Lobbying: Revisiting Women's Substantive Representation in China's Authoritarian Governance" *Politics & Gender* 18, no. 4 (December 2022): 981, 987–88.

[18] Emily Feng, "Peng Shuai, the Chinese Tennis Star, Denies Sexual Assault by Government Leader," *NPR,* February 6, 2022.

[19] Chen Xiaoping, "Shishi dajia tan: Yan Geling wei ba hai muqin fennu fasheng zao engsha, 'Quanguo Fulian' yi yan bufa gai jiesan?" [Let's discuss current events: Yan Geling was blocked after her angry comments on behalf of the mother of eight children, should the "ACWF" be disbanded for not saying anything at all?], *Voice of America,* February 18, 2022. See also Yunyun Zhou, "'Being a Good Daughter of the Party'? A Neo-Institutional Analysis of the All-China Women's Federation Organisational Reforms in China's Xi Era," *Chinese Perspectives,* 2019–2,

June 8, 2019; Xinhui Jiang and Yunyun Zhou, "Coalition-Based Gender Lobbying: Revisiting Women's Substantive Representation in China's Authoritarian Governance," *Politics & Gender* 18, no. 4 (December 2022): 981, 987–88.

[20] Charis Chang, "This Man Was Accused of Rape, Now He's Meeting with China's Elite," *SBS News*, October 17, 2022; Andréa J. Worden, "What Does the 20th Party Congress Mean for Peng Shuai and the Future of the WTA in China?," *Andréa J. Worden's Words* (blog), October 27, 2022.

[21] Emily Feng, "Peng Shuai, the Chinese Tennis Star, Denies Sexual Assault by Government Leader," *NPR,* February 6, 2022.

[22] Alexandra Stevenson, "Leadership Changes Reveal That in China, Men Still Rule," *New York Times,* October 23, 2022; Jing Wei, "Why Do So Few Women Hold High Office in the Ruling Chinese Communist Party?," *Radio Free Asia,* October 19, 2022. See also Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 172.

[23] See, e.g., Chris Buckley, "Cai Xia Was a Communist Party Insider in China. Then She Denounced Xi.," *New York Times,* October 14, 2020; Chen Pinjie, "Duihua Zheng Churan: Nüquan de chenggong shi yi ge guocheng" [A conversation with Zheng Churan: The success of women's rights is a process], *Radio Free Asia,* April 9, 2023; Candice Chau, "'Ink Girl' Who Defaced Xi Jinping Poster Reappears, Says She Can't Take Intense Surveillance," *Hong Kong Free Press,* December 2, 2020; Mimi Lau, "Chinese Businesswoman Jailed after Voicing Support for Beijing Critic," *South China Morning Post,* February 9, 2021. For more information, see the Commission's Political Prisoner Database records 2015-00118 on Zheng Churan, 2018-00343 on Dong Yaoqiong, and 2020-00228 on Geng Xiaonan.

[24] Emily Feng, "China's Authorities Are Quietly Rounding Up People Who Protested against COVID Rules," *NPR,* January 11, 2023; Shen Lu and Liyan Qi, "In China, Young Women Become Accidental Symbols of Defiance," *Wall Street Journal,* January 25, 2023.

[25] Office of the U.N. High Commissioner for Human Rights, "Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women's Political Participation and Sex-Selective Abortions," May 12, 2023; U.N. Committee on the Elimination of Discrimination against Women (CEDAW), "85th Session (8–26 May 2023) Schedule of Dialogues (as of 31 March 2023)," accessed May 13, 2023.

[26] The 29 Principles, "Submission to the Committee on the Elimination of Discrimination against Women under the Convention on the Elimination of All Forms of Discrimination against Women," April 12, 2023; "Joint Submission by PEN International, PEN America, and Independent Chinese PEN Center (3 PEN Centers) to the Committee on the Elimination of Discrimination against Women (CEDAW) ahead of its consideration of the People's Republic of China's ninth period report at the 85th Session in May 2023," April 11, 2023.

[27] The 29 Principles, "Submission to the Committee on the Elimination of Discrimination against Women under the Convention on the Elimination of All Forms of Discrimination against Women," April 12, 2023.

[28] The Rights Practice, "Submission to the UN Committee on the Elimination of Discrimination against Women (CEDAW) for Consideration in its Ninth Periodic Report of the People's Republic of China," April 6, 2023, para. 40.

[29] Chinese Human Rights Defenders, "CHRD Submission to the UN Committee on the Elimination of Discrimination against Women for its Consideration of the Ninth Periodic Report of the People's Republic of China (85th Session)," April 8, 2023.

[30] The Rights Practice, "Submission to the UN Committee on the Elimination of Discrimination against Women (CEDAW) for Consideration in its Ninth Periodic Report of the People's Republic of China," April 6, 2023, paras. 19, 42.

[31] Chinese Human Rights Defenders, "CHRD Submission to the UN Committee on the Elimination of Discrimination against Women for its Consideration of the Ninth Periodic Report of the People's Republic of China (85th Session)," April 8, 2023; The 29 Principles, "Submission to the Committee on the Elimination of Discrimination against Women under the Convention on the Elimination of All Forms of Discrimination against Women," April 12, 2023.

[32] Dui Hua Foundation, "Submission of the Dui Hua Foundation, an NGO in Special Consultative Status with ECOSOC, to the Committee on the Elimination of Discrimination against Women, for the State Report on China at the 85th Session," April 2023.

[33] Guidelines from the CEDAW secretariat on NGO participation in the 85th session instructed NGOs to "Anonymize the names of any alleged victims, witnesses and perpetrators referred to in the report by replacing them with their initials and ensure that no photographs of alleged victims, witnesses or perpetrators are included." Secretariat, U.N. Committee on the Elimination of Discrimination against Women (CEDAW), "Participation by Non-Governmental Organizations (NGOs)," April 2023, sec. V.

[34] "Fears Grow in China over Safety of Disappeared, Pregnant Vaccine Campaigner," *Radio Free Asia,* October 27, 2020; Dai Ju, "'Yimiao Baobao zhi Jia' faqi ren He Fangmei an chaoqi jiya reng wei panjue: nü'er zhijin zhiliu jingshenbing yuan" [In "Vaccine Babies' Home" founder He Fangmei's case, prolonged detention without a verdict: her daughter is stranded at a psychiatric hospital until today], *NGOCN,* February 1, 2023. See also Chinese Human Rights Defenders, "CHRD Submission to the UN Committee on the Elimination of Discrimination against Women for its Consideration of the Ninth Periodic Report of the People's Republic of China (85th Session)," April 8, 2023. For more information on He Fangmei, see the Commission's Political Prisoner Database record 2019-00185.

[35] Dai Ju, "'Yimiao Baobao zhi Jia' faqi ren He Fangmei an chaoqi jiya reng wei panjue: nüer zhijin zhiliu jingshenbing yuan" [In "Vaccine Babies' Home" founder He Fangmei's case, prolonged detention without a verdict: her daughter is stranded at a psychiatric hospital until today], *NGOCN,* February 2, 2023.

[36] "Feminist Activist Li Qiaochu Struggles with Mental Health in Detention," *Radio Free Asia,* August 30, 2021; Civil Rights & Livelihood Watch, "Lüshi di yi ci xianxia huijian Li Qiaochu"

[For the first time, lawyer meets offline with Li Qiaochu], March 22, 2023. For more information on Li Qiaochu, see the Commission's Political Prisoner Database record 2020-00129.

[37] Civil Rights & Livelihood Watch, "Li Qiaochu muqin di shi ci shenqing qubao houshen" [Li Qiaochu's mother's tenth application for (Li's) release on bail conditions], March 26, 2022; "Chinese Police Hold Women's Rights Activist Thousands of Miles from Home," *Radio Free Asia,* February 8, 2021. See also Li Qiaochu, "120 Days in Secret Detention," *China Change,* January 11, 2021.

[38] "Joint Submission by PEN International, PEN America, and Independent Chinese PEN Center (3 PEN Centers) to the Committee on the Elimination of Discrimination against Women (CEDAW) ahead of its consideration of the People's Republic of China's ninth period report at the 85th Session in May 2023," April 11, 2023; Shohret Hoshur and Gulchehra Hoja, "Noted Uyghur Folklore Professor Serving Prison Term in China's Xinjiang," *Radio Free Asia,* July 13, 2021. For more information on Rahile Dawut, see the Commission's Political Prisoner Database record 2018-00552.

[39] Shohret Hoshur and Gulchehra Hoja, "Noted Uyghur Folklore Professor Serving Prison Term in China's Xinjiang," *Radio Free Asia,* July 13, 2021.

[40] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 300; "Ha'erbin canji nüzi Niu Xiaona feifa pan 15 nian" [Niu Xiaona, a disabled woman from Harbin, sentenced to 15 years in prison], *Minghui,* November 7, 2022. For more information on Niu Xiaona, see the Commission's Political Prisoner Database record 2023-00113.

[41] "Elderly Mother and Disabled Daughter Face Prosecution for Practicing Falun Gong," *Minghui,* August 7, 2021.

[42] Dui Hua Foundation, "Submission of the Dui Hua Foundation, an NGO in Special Consultative Status with ECOSOC, to the Committee on the Elimination of Discrimination against Women, for the State Report on China at the 85th Session," April 2023, sec. v.

[43] Office of the U.N. High Commissioner for Human Rights, "Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women's Political Participation and Sex-Selective Abortions," May 12, 2023; "Ninth Periodic Report Submitted by China under Article 18 of the Convention, due in 2018," CEDAW/C/CHN/9, December 16, 2020, paras. 12, 16, 19–28, 36, 45, 46, 67; "Replies of China to the list of issues and questions in relation to its ninth periodic report," CEDAW/C/CHN/RQ/9, March 9, 2023.

[44] *Zhonghua Renmin Gongheguo Fan Jiating Baoli Fa* [PRC Anti-Domestic Violence Law], passed December 27, 2015, effective March 1, 2016.

[45] *Zhonghua Renmin Gongheguo Minfa Dian* [PRC Civil Code], passed May 28, 2020, effective January 1, 2021, art. 1010.

[46] *Zhonghua Renmin Gongheguo Funü Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 4, 1992, amended October 30, 2022, effective January 1, 2023; Xiaozhu Zhong, "China: Law on the Protection of Women's Rights and Interests Revised," *Global Legal Monitor,* Library of Congress, January 13, 2023.

[47] Ethan Michelson, "Decoupling: Gender Injustice in China's Divorce Courts," Contemporary Chinese Society Lecture Series, Fairbank Center for Chinese Studies, Harvard University, February 1, 2022.

[48] Chen Jun, "Zhongguo xin xiuding de Funü Quanyi Baozhang Fa de juti luoshi he jiandu mianlin tiaozhan" [Practical implementation and monitoring of China's newly revised Law on the Protection of Women's Rights and Interests encountering challenges], *Voice of America,* November 8, 2022.

[49] Ethan Michelson, "Decoupling: Gender Injustice in China's Divorce Courts," Contemporary Chinese Society Lecture Series, Fairbank Center for Chinese Studies, Harvard University, February 1, 2022.

[50] Xinhui Jiang and Yunyun Zhou, "Coalition-Based Gender Lobbying: Revisiting Women's Substantive Representation in China's Authoritarian Governance," *Politics & Gender* 18, no. 4 (December 2022): 983–84. See also Ethan Michelson, "Decoupling: Gender Injustice in China's Divorce Courts," Contemporary Chinese Society Lecture Series, Fairbank Center for Chinese Studies, Harvard University, February 1, 2022.

[51] Xinhui Jiang and Yunyun Zhou, "Coalition-Based Gender Lobbying: Revisiting Women's Substantive Representation in China's Authoritarian Governance," *Politics & Gender* 18, no. 4 (December 2022): 983–84.

[52] Stella Chen, "Will China's Updated Women's Rights Law Actually Help Women?," *South China Morning Post,* November 5, 2022.

[53] Vincent Ploton and Sarah M. Brooks, International Service for Human Rights, "China and UN Treaty Body System," December 2022, 4.

[54] "Quanguo Fulian fu zhuxi, shujichu shuji Xia Jie dangxuan Lianheguo Xiaochu dui Funü Qishi Weiyuanhui weiyuan" [ACWF vice president and secretariat member Xia Jie elected a member of the U.N. CEDAW Committee], *Xinhua,* November 13, 2020. Based on the brief bios for CEDAW Committee members, Xia Jie has significantly less experience on CEDAW issue areas compared to her fellow Committee members who bring decades of experience working on gender rights in government, law, academia, and civil society. See, e.g., Esther Eghobamien-Mshelia [Nigeria], "Biographical Data Form of Candidates to the Committee on the Elimination of Discrimination against Women," accessed April 19, 2023; Marianne Mikko [Estonia], "Biographical Data Form of Candidates to the Committee on the Elimination of Discrimination against Women" accessed April 19, 2023; Leticia Bonifaz Alfonzo [Mexico], "Biographical Data Form of Candidates to the Committee on the Elimination of Discrimination against Women," accessed April 19, 2023.

[55] Office of the U.N. High Commissioner for Human Rights, "Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women's Political Participation and Sex-Selective Abortions," May 12, 2023.

[56] Vincent Ploton and Sarah M. Brooks, International Service for Human Rights, "China and UN Treaty Body System," December 2022, 9; Letter from the Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, CHN/HR/2023/44, April 24, 2023. The letter contains the names of members of China's delegation to CEDAW. Xia Jie's ACWF colleague Huang Xiaowei is listed as the "head of delegation" that represented China at the May 12, 2023, day-long review.

[57] Office of the U.N. High Commissioner on Human Rights, "Membership Committee on the Elimination of Discrimination against Women," accessed April 19, 2023.

[58] Reza Hasmath, Timothy Hildebrandt, and Jennifer Y.J. Hsu, "Conceptualizing Government-Organized Non-Governmental Organizations," *Journal of Civil Society* 15, no. 3 (2019): 1–3.

[59] Office of the U.N. High Commissioner of Human Rights, "CEDAW—Convention on the Elimination of All Forms of Discrimination against Women 85 Session (08 May 2023–26 May 2023), Country: China, Info from Civil Society Organizations (for the session)," accessed April 2023. These organizations include the ACFTU Women Workers' Committee, Center for Human Rights Studies at the Chinese Academy of Social Sciences, China Association for NGO Cooperation, China Association of Marriage and Family Studies, China Disability Research Society, China Ethnic Minorities' Association for External Exchanges, China Family Planning Association, China Population and Development Research Center, China Union of Anthropological and Ethnological Sciences, China Women Judges Association, China Women's University, China Women's Development Foundation, China Women's Research Association, Female Lawyers Association of the All China Lawyers Association, Global Women's Development Institute of China Women's University, Human Rights Institute of Southwest University of Political Science and Law, Women's Law Research Institute of Beijing Law Society, and Women's Studies Institute of China.

[60] Office of the U.N. High Commissioner for Human Rights, "Civil Society Organizations Brief the Committee on the Elimination of Discrimination against Women on the Situation of Women in Timor-Leste, Germany, China and Sao Tome and Principe," May 8, 2023.

[61] Ethan Michelson, "Decoupling: Gender Injustice in China's Divorce Courts," Contemporary Chinese Society Lecture Series, Fairbank Center for Chinese Studies, Harvard University, February 1, 2022. See also Ethan Michelson, *Decoupling: Gender Injustice in China's Divorce Courts* (Cambridge, U.K.: Cambridge University Press, 2022), 471–72.

[62] "Zuigao Renmin Fayuan gongzuo baogao (zhaiyao)" [Supreme People's Court work report (summary)], March 7, 2023, sec. 3; "Zuigao Renmin Fayuan gongzuo baogao (zhaiyao)" [Supreme People's Court work report (summary)], March 8, 2022, sec. 3; "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 8, 2021, sec. 3; "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], May 25, 2020, sec. 3; "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 12, 2019, sec. 4; "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 9, 2018, sec. 4; "Zuigao Renmin Fayuan gongzuo baogao" [Supreme People's Court work report], March 12, 2017. According to Supreme People's Court (SPC) work reports from 2018 through 2022, courts issued 2,154 protection orders in 2017, 1,589 protection orders in 2018, 2,004 protection orders in 2019, 2,169 protection orders in 2020, and 3,356 protection orders in 2021, for a total of 11,272 between the years 2017 and 2021. The SPC did not report on the number of protection orders issued in 2016 in its 2017 work report. However, it reported a total of 13,000 protection orders in its 2023 work report, noting that the total represented protection orders issued over the past five years.

[63] Jiang Xiaotian, Guo Ruomei, and Liu Man, "Zhuanfang He Xiaorong: Rang jiabao wuchu dunxing, qu nian qianfa renshen anquan baohu ling zeng san cheng" [Exclusive interview with He Xiaorong: Let domestic violence have nowhere to hide, the number of personal safety protection orders issued last year increased by 30 percent], *Southern Metropolitan Daily,* March 8, 2023; "Zuigao Renmin Fayuan gongzuo baogao (zhaiyao)" [Supreme People's Court work report (summary)], March 8, 2022, sec. 3.

[64] Albee Zhang and Ryan Woo, "Thousands Call New Chinese Domestic Violence Helpline App," *Reuters,* September 1, 2022.

[65] Weiping (Equality), "'Fan Jiating Baoli Fa' shixing qi zhounian jiance baogao" [Monitoring Report on the Seventh Anniversary of Implementation of the "Anti-Domestic Violence Law"], March 2, 2023; Human Rights Institute, Southwest University of Politics and Law, "Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the People's Republic of China: A civil society report submitted to the United Nations Committee on the Elimination of Discrimination against Women with regard to the review of China's 9th periodic national report," February 10, 2023, 2–3.

[66] China National Centre for Domestic Violence Crisis Intervention, "A Submission to the Committee on the Elimination of Discrimination against Women on the Ninth Periodic Report of the People's Republic of China," accessed April 22, 2023, secs. II.4, III.3.

[67] *Zuigao Renmin Fayuan guanyu Banli Renshen Anquan Baohu Ling Anjian Shiyong Falü Ruogan Wenti de Guiding* [Provisions of the Supreme People's Court on Several Issues on the Application of Law in Handling Cases of Personal Safety Protection Orders], passed July 14, 2022, effective August 1, 2022.

[68] *Zuigao Renmin Fayuan Quanguo Fulian Jiaoyubu Gong'anbu Minzhengbu Sifabu Weisheng Jiankangwei guanyu Jiaqiang Renshen Anquan Baohu Ling Zhidu Guanche Shishi de Yijian* [Supreme People's Court, All-China Women's Federation, Ministry of Education, Ministry of Public Security, Ministry of Civil Affairs, Ministry of Justice, and National Health Commission Opinion on Strengthening the Implementation of the Personal Safety Protection Order System], March 3, 2022; Huang Yue, "Quanguo Fulian Quanyi Bu fabu 'Jiating Baoli Shouhai Ren Zhengju Shouji Zhiyin' zhidao jiating baoli shouhai ren youxiao shouji he guding zhengju" [ACWF Department of Rights and Interests issued "Guidelines on Evidence Collection for Victims of Domestic Violence" to instruct victims of domestic violence to effectively collect and secure evidence], *Xinhua,* November 25, 2021.

[69] Jue Jiang, "The Family as a Stronghold of State Stability: Two Contradictions in China's Anti-Domestic Violence Efforts," *International Journal of Law, Policy and the Family* 33, no. 2 (August 2019): 228–51, Social Science Research Network, updated June 9, 2020, 4.

[70] Weiping (Equality), "'Fan Jiating Baoli Fa' shixing qi zhounian jiance baogao" [Monitoring Report on the Seventh Anniversary of Implementation of the "Anti-Domestic Violence Law"], March 2, 2023, secs. 2.2, 3.3; Jeremy Daum, "A Closer Look at New Rules for Domestic Violence Protection Orders," *China Law Translate,* July 27, 2022, para. 3.

[71] *Zuigao Renmin Fayuan guanyu Banli Renshen Anquan Baohu Ling Anjian Shiyong Falü Ruogan Wenti de Guiding* [Provisions of the Supreme People's Court on Several Issues on the Application of Law in Handling Cases of Personal Safety Protection Orders], passed July 14, 2022, effective August 1, 2022; Jeremy Daum, "A Closer Look at New Rules for Domestic Violence Protection Orders," *China Law Translate,* July 27, 2022.

[72] Center for Human Rights Studies, Chinese Academy of Social Sciences, "Progress Made by China in Judicial Remedies for Women's Rights and Suggestions on Improvement," accessed June 2023, sec. II.4.

[73] Jue Jiang, "The Family as a Stronghold of State Stability: Two Contradictions in China's Anti-Domestic Violence Efforts," *International Journal of Law, Policy and the Family* 33, no. 2 (August 2019): 228–51, Social Science Research Network, updated June 9, 2020, 6.

[74] "Zhuanfang: Zhongguo gongzhong dui xingbie baoli shijian wujie gandao juewang" [Exclusive interview: Chinese public feels despair over the lack of solutions to incidents of gender violence], *Deutsche Welle,* June 14, 2022; Alexandra Stevenson and Zixu Wang, "Battling Violence and Censors, Women in China Become 'Invisible and Absent,'" *New York Times,* September 6, 2022. See also Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 175–76; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 155–56.

[75] See, e.g., Holly Chik, "Chinese University Says Professor Fired after Sex Accusations Made Public," *South China Morning Post,* January 26, 2023; Zhao Yuanyuan, "Famed Chinese Drama Teacher Accused of Sexual Assault and Predatory Behavior," *China Project,* September 21, 2022.

[76] See, e.g., Zhao Yuanyuan, "Ex-NIO Intern Assaulted by Colleague Accuses Chinese EV Maker of Toxic Workplace Culture," *China Project,* March 7, 2023; Seulkee Jang, "Female North Korean Worker in China Falls Victim to Sexual Assault," *Daily NK,* March 3, 2023.

[77] See, e.g., Manya Koetse, "Hunan Man Kills Wife by Running Over Her Twice with SUV," *What's on Weibo,* July 1, 2022; Manya Koetse, "Online Anger over Zhejiang Man Being Detained for 10 Days after Acid Attack on Wife," *What's on Weibo,* February 18, 2023; Gu Ting, "Henan Hua xian nanzi sha qi an yinfa jingmin chongtu" [Case of the man who murdered his wife in Hua county, Henan, incited clashes between police and the public], *Radio Free Asia,* March 27, 2023.

[78] Vivian Wang, "Brutal Beating of Women in China Highlights Risk of Saying 'No,'" *New York Times,* June 15, 2022; Manya Koetse and Miranda Barnes, "'What Happened in Tangshan?' The Violent Restaurant Incident Everyone Is Talking About," *What's on Weibo,* June 11, 2022.

[79] Civil Rights & Livelihood Watch, "Mao Huibin yin fabu Tangshan shijian bei xingju" [Mao Huibin criminally detained for publishing about the Tangshan incident], August 16, 2022; Rights Defense Network, "Yin zai wangshang fabu Tangshan da ren shijian xinxi zao xingshi juliu de Hebei Hengshui zi meiti ren Mao Huibin jia ren jin shoudao xingju tongzhishu" [Family of Mao Huibin, independent journalist from Hengshui, Hebei, who was criminally detained for posting information online about the Tangshan assault incident, receive notice of criminal detention], August 15, 2022; Committee to Protect Journalists, "Chinese Journalist Mao Huibin Arrested after Publishing Articles about Tangshan Incident," August 15, 2022. For more information on Mao Huibin, see the Commission's Political Prisoner Database record 2022-00148.

[80] International Federation of Journalists, "China: Journalist Detained and Harassed for Reporting on Restaurant Attack," June 22, 2022.

[81] Manya Koetse, "Unanswered Questions Linger in the Aftermath of Tangshan BBQ Restaurant Beating Incident," *What's on Weibo,* June 17, 2022.

[82] Guangyang District People's Court, Langfang municipality, Hebei province, "Chen Jizhi deng e shili zuzhi weifa fanzui an yi shen gongkai xuanpan" [Announcement of first-instance court decision in the criminal case of Chen Jizhi and other evil-doers who organized to violate the law], September 23, 2022; Cao Li and Liyan Qi, "China Jails Gang Members over Attack on Women," *Wall Street Journal,* September 23, 2022; Donald J. Clarke, "The Tangshan Gang Verdict: Some Comments," *China Collection,* September 23, 2022.

[83] "Zhuanfang: Zhongguo gongzhong dui xingbie baoli shijian wujie gandao juewang" [Exclusive interview: Chinese public feels despair over the lack of solutions to incidents of gender violence], *Deutsche Welle,* June 14, 2022.

[84] Brian Wong, "The Long Road to Ending Gendered Violence in China," *USALI Perspectives* 3, no. 9, December 1, 2022.

[85] "Zhuanfang: Zhongguo gongzhong dui xingbie baoli shijian wujie gandao juewan" [Exclusive interview: Chinese public feels despair over the lack of solutions to incidents of gender violence], *Deutsche Welle,* June 14, 2022; Vic Chiang and Lily Kuo, "After Restaurant Attack, Authorities Continue to Gaslight China's Women," *Washington Post,* June 23, 2022.

[86] Andréa J. Worden and Nuzigum Setiwaldi, "Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan," Uyghur Human Rights Project, November 2022.

[87] Andréa J. Worden and Nuzigum Setiwaldi, "Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan," Uyghur Human Rights Project, November 2022.

[88] Chinese Human Rights Defenders, "CHRD Submission to the UN Committee on the Elimination of Discrimination against Women for its Consideration of the Ninth Periodic Report of the People's Republic of China (85th Session)," April 8, 2023.

[89] Chinese Human Rights Defenders, "CHRD Submission to the UN Committee on the Elimination of Discrimination against Women for its Consideration of the Ninth Periodic Report of the People's Republic of China (85th Session)," April 8, 2023.
[90] Foreign Correspondents' Club of China, "Zero Covid, Many Controls: Covering China in 2022," March 1, 2023, 7.
[91] Albert Zhang and Danielle Cave, "Smart Asian Women Are the New Targets of CCP Global Online Repression," Australian Strategic Policy Institute, *Strategist,* June 3, 2022.
[92] Amelia Loi and Mary Zhao, "For Female Journalists, Covering China Comes at a Cost," *Radio Free Asia,* March 20, 2023.

POPULATION CONTROL

Findings

- Authorities in the People's Republic of China (PRC) continue to treat population growth, childbearing, and women's fertility in China as subject to official control and policymaking. In response to demographic and economic pressure, PRC authorities ended the one-child policy in 2015, replacing it with the two-child policy in 2016 and the three-child policy in 2021. In July 2022, 17 Party and government entities jointly issued a set of "guiding opinions" that aim to incentivize marriage and childbirth by improving healthcare, education, employment conditions, insurance, and other benefits.
- Enforcement of birth limits in China has been characterized by the use of harshly coercive measures in violation of international human rights standards. This past year, U.N. experts raised concerns about reports of the use of coercive birth control measures against Uyghurs and other predominantly Muslim ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), including forced abortion and sterilization, and the placement of contraceptive devices, that reportedly resulted in "unusual and stark" population declines in the XUAR from 2017 through 2019.
- Among the supportive measures to boost the population suggested during the March 2023 meeting of the Chinese People's Political Consultative Conference was improving the rights of unmarried parents. Although several municipalities and at least one province reportedly allow unmarried women to register the birth of children, those children are not eligible for the household registration (*hukou*) permits that are crucial for access to public services. Moreover, an unmarried woman lost a lawsuit in July 2022 against a hospital in Beijing municipality which refused to allow her to undergo a procedure to freeze her eggs. An appeal hearing was held in May 2023, but the decision has not been announced.
- Many young people reportedly are reluctant to marry and have children due to the high cost of raising children, low incomes, and a weak social safety net. Public opinion reflected unease with the government's focus on population growth as a national responsibility for the rising generation of young adults.

Recommendations

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

- ○ In bilateral meetings, urge PRC government officials to abolish all birth restrictions on families, and employ an approach toward population policy based on international human rights standards.
- ○ Urge PRC authorities to end all coercive population control practices targeting Uyghur and other ethnic groups in the XUAR and elsewhere. Use authorities provided in the Foreign Relations Authorization Act, Fiscal Year 2000 (Public Law No.

106-113) and the Global Magnitsky Human Rights Accountability Act (Public Law No. 114-328) to sanction Chinese officials involved in the formulation, implementation, or enforcement of coercive population control policies, including those officials who have forced women to undergo sterilizations and abortions in the XUAR and elsewhere.

○ Support the Uyghur Genocide Accountability and Sanctions Act (S. 1770), which gives the President authority to impose sanctions on individuals responsible for or complicit in forced sterilizations and forced abortions in the XUAR.

○ Address in bilateral dialogue and in relevant multilateral institutions the regional humanitarian and security concerns stemming from the sex ratio imbalance exacerbated by the PRC's population control policies, including concerns about human trafficking, increased internal and external migration, and other social, economic, and political problems.

○ Urge the PRC government to reform the household registration (*hukou*) system to extend legal citizenship to millions of persons who were born notwithstanding the previous one- or two-child policies and who therefore lack access to education, medical care, government services, and legal protection of their rights.

POPULATION CONTROL

International Standards and the PRC's Coercive Population Policies

Despite calls from experts and other observers to remove all birth limits in China on both demographic and human rights grounds,[1] the People's Republic of China (PRC) has continued to implement a birth limit policy—the "three-child policy"—in violation of international standards.[2] The one-child policy, in force from 1980 through 2015, restricted most couples to one child,[3] though it was implemented locally with exceptions, most commonly in rural areas and for ethnic minority groups.[4] Policy enforcement under the National Population and Family Planning Commission[5] involved the participation of local officials[6] and birth planning workers in rural villages and in urban work units and neighborhoods, who used fines to punish couples for exceeding birth limits, intrusively monitored women's fertility, issued birth permits, and employed coercive measures such as forced placement of intrauterine devices (IUDs), forced sterilizations, and forced abortions.[7] Scholars have traced the use of these practices to the PRC's purported voluntary birth limit campaign begun in the 1970s.[8]

Coercive controls imposed on families, as well as additional abuses engendered by the PRC population and family planning system, violate standards set forth in the 1995 Beijing Declaration and Platform for Action and the 1994 Programme of Action of the Cairo International Conference on Population and Development.[9] China was a state participant in the negotiation and adoption of both documents.[10] Acts of official coercion committed in the implementation of population control policies also contravene provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which China has ratified.[11] Scholars, moreover, have begun to theorize that forced abortion may constitute an international crime, noting that "reproductive violence is increasingly being recognized as a distinct form of harm requiring legal recognition, protection, and redress."[12] The U.S. State Department has noted that coercive birth control measures employed against Uyghurs and other predominantly Muslim ethnic minority groups in the Xinjiang Uyghur Autonomous Region (XUAR) constitute acts of genocide and crimes against humanity.[13]

Experts at the United Nations highlighted the use of coercive birth control measures against Uyghurs and other predominantly Muslim minority groups in the XUAR in the August 2022 assessment of human rights concerns in the XUAR issued by the Office of the U.N. High Commissioner for Human Rights[14] and during treaty body reviews in February and May 2023.[15] Beginning in 2016, officials in the XUAR reportedly used forced abortion and sterilization as a means of limiting births among ethnic minority groups in the region.[16] Research published in 2022 found that implementation of the policy had "drastically reduced birth rates of ethnic groups" in the XUAR.[17] In the August 2022 assessment of human rights concerns in the XUAR, the U.N. High Commissioner for Human Rights noted the reduction in births from 2017 to 2019 in the XUAR, calling the decline in 2018 "unusual and stark."[18] The assessment also highlighted the sharp increase in the XUAR, in 2017 and 2018, in sterilizations and the placement of intra-

uterine devices (IUDs), particularly in comparison to locations elsewhere in China.[19] The assessment describes these measures as violations of "the right to the highest attainable standard of health compris[ing] sexual and reproductive freedom" and "an expansive notion of religious 'extremism', raising further concerns about discriminatory enforcement of these policies against Uyghur and other predominantly Muslim minorities."[20] Similarly, the U.N. Committee on Economic, Social and Cultural Rights, in the concluding observations of its review of China's implementation of the International Covenant on Economic, Social and Cultural Rights in February 2023,[21] said that it "remains concerned about reports that coercive measures, such as forced abortions, sexual violence, forced sterilizations and torture, have been and are employed to accompany enforcement of family planning policies in the [XUAR] and in predominantly Uighur-populated areas, and that these have been a cause of the unusual and stark difference in birth rates, sterilizations and intrauterine device [IUD] placements in those areas in comparison with the rest of the State party. . . ."[22] The U.N. Committee on the Elimination of All Forms of Discrimination against Women that reviewed China's compliance with the Convention on the Elimination of All Forms of Discrimination against Women in May 2023 called for "immediate steps to end, prevent and criminalize the use of coercive measures" against women in the XUAR, as well as the investigation and prosecution of those responsible for these measures, and "adequate compensation" to the victims.[23] [For more information on the August 2022 assessment by the Office of the U.N. High Commissioner for Human Rights, see Chapter 18—Xinjiang.]

Population Decline and Official Responses

In January 2023, the National Bureau of Statistics of China announced that in 2022, the total population of China declined to 1,411,750,000—a decrease of 850,000 from the prior year.[24] The announcement marked the first officially reported countrywide population decline since the widespread famine that resulted from the implementation of the Great Leap Forward in China (1958 to 1962),[25] in which an estimated 30 million died of starvation.[26] Birth rates also declined for the sixth straight year, from 7.52 births per thousand in 2021 to 6.77 births per thousand in 2022 [27]—a trend that experts expect will continue.[28]

OFFICIAL POLICIES, ACTIONS, AND PROPOSALS

To address what senior officials refer to as the "great challenge" of the aging population and the below-replacement birth rate, the Chinese Communist Party Central Committee Political Bureau announced the adoption of a universal three-child policy in May 2021,[29] allowing all couples to have up to three children.[30] In July 2021, the Party Central Committee and the State Council promulgated the policy change in the "Decision of the Central Committee of the Chinese Communist Party and the State Council on Optimizing Childbirth Policies to Promote Long-Term Balanced Population Development."[31] Through an amendment to the PRC Population and Family Planning Law in August 2021,[32] PRC authorities

established a legal basis to promote an increased birth rate, balance the overall sex ratio, "optimize" the population structure, raise "population quality," and "protect rights and interests of women in employment."[33] The shift to the three-child policy, however, has not altered the basic premise of PRC authorities' continuing "claim [of] sovereignty over childbearing of Chinese citizens," as observed by political scientist Tyrene White.[34]

At the seniormost level this past year, Party General Secretary Xi Jinping reiterated the importance of population growth at the 20th National Congress of the Chinese Communist Party in October 2022, saying that the PRC would raise the birth rate and "pursue a proactive national strategy" in response to the aging population.[35] Prior to this, seventeen Party and government agencies jointly issued the "Guiding Opinions on Further Improving and Implementing Active Fertility Support Measures" ("Guiding Opinions") in July 2022, which outline ways to "strengthen reproductive health education and services, prevent unwanted pregnancies and reduce induced abortion for non-medical reasons."[36] The Guiding Opinions also call for improvement in healthcare, insurance, childcare, education, employment, housing, taxation, and social services aimed at creating "a friendly atmosphere to raise children" and achieving "balanced population development."[37] Some local governments, in an effort to increase birth rates, reportedly have begun to offer parents a range of subsidies and supportive measures for having children.[38] The Guiding Opinions also incorporate a gender-specific focus on women in the workplace with the creation of "family-friendly workplaces," such as promoting designated rooms for women to rest when pregnant or nursing, and stronger implementation of labor safeguards.[39] Preventing discrimination against women in the workplace is also addressed in the amended PRC Law on the Protection of Women's Rights and Interests, passed in October 2022 by the National People's Congress.[40] [For more information on gender discrimination in the workplace, see Chapter 11—Worker Rights.]

In one effort to promote population growth, the China Family Planning Association (CFPA) announced in August 2022 the selection of 20 districts, municipalities, and one division of the Xinjiang Production and Construction Corps in the Xinjiang Uyghur Autonomous Region as sites in the "2022 New Type of Marriage and Childbirth Culture Construction Pilot Projects"[41] and added 20 more pilot sites in May 2023.[42] While the National Health Commission is the government entity in charge of implementing population control policy, the CFPA—as a "mass organization" under the Party—transmits Party policy to the people through propaganda and grassroots mobilization.[43] The new CFPA-administered pilot projects seek to reform cultural norms as a means of increasing the birth rate, such as reducing the burden of costly marriage customs like "bride prices" in rural areas and expensive weddings.[44] Staff working for the local family planning association in Miyun district, Beijing municipality—one of the first 20 pilot sites—reportedly will be assessed in part on their success in increasing marriages and births.[45] A professor of demography at Renmin University in Beijing observed that the pilot projects may provide illustrative local-level experience to inform policymaking and implementation absent

public consensus about the meaning of the "new marriage and childbirth culture."[46]

During the March 2023 annual legislative meetings of the National People's Congress and Chinese People's Political Consultative Conference (CPPCC), several CPPCC members publicly proposed various incentives to promote population growth.[47] While the CPPCC is not a policymaking body, its members have the political space to raise suggestions to the government and thus can function as a conduit for public opinion.[48] Among the range of proposals were granting equal rights to children of unmarried parents; providing subsidies for a couple's first child, rather than just for second and third children; and expanding free public education and access to fertility treatments.[49]

Public Discontent with the Pro-Natal Population Policy

Even as central authorities and local governments have sought to encourage families to have more children, many young people reportedly are reluctant to marry and have children.[50] They note factors including the high cost of raising children, low incomes, and a weak social safety net.[51] Online commentary and media reports, moreover, reflected unease in Chinese public opinion with the government's focus on population growth as a national responsibility for the rising generation of young adults.[52] Some social media users expressed resentment that the government seems to view people as "human mines" (*renkuang*) who produce children to be exploited for economic benefit.[53] The viral term "lying flat" (*tangping*)—which expresses a state of inertia as a form of resistance—has been linked to the younger generation's frustration with the government's official expectations that young people must work hard and have children with little promise of reward.[54] A video of a man refusing to leave home for a quarantine facility during the lockdown in Shanghai municipality in spring 2022 went viral on social media, resonating with those concerned about raising a child in authoritarian China.[55] Responding to an official who threatened him with punishment that would "affect your family for three generations," the man said, "We are the last generation, thank you."[56] A demographer also pointed to the discontent expressed by young Chinese people over PRC authorities' continuing claim that childbearing is a "state affair."[57] Although birth and marriage rates have been declining around the world, the "swift and sharp fertility crashes" taking place in China are unusual and reflect a "revolutionary, wildfire change in national mood," according to the demographer.[58] Similarly, a Beijing-based political analyst said that young people's growing discontent with authoritarian rule and reluctance to have children pointed to an "irreconcilable conflict" with China's goal of economic growth and the "bankruptcy" of its economic model, which had relied on a cheap and abundant labor supply.[59]

This past year, several researchers linked declining birth rates, in part, to Chinese women's resistance to the official population control policy after bearing the brunt of its violent implementation for decades, including forced abortion, contraception, and sterilization.[60] Moreover, the researchers described the official pro-natal policy as another manifestation of the government's attempt to con-

trol women's fertility.[61] Some observers also expressed concern that the government's pro-natalist push could contribute to the further erosion of women's rights, pointing out that the government's failure to enforce measures preventing workplace discrimination has contributed to gender discrimination for working women.[62] In a commentary for the Lowy Institute, an Australian think tank, a scholar wrote that "[w]omen's rights in the Party's strategy have not emerged out of respect for human rights and individual choice. Rather, women are primarily viewed as a resource to be deployed for the benefit of the party state."[63] Authorities also have amplified "traditional gender roles" in official Chinese media outlets, as illustrated by the rhetorical claim that "women will find fulfillment through marriage and motherhood."[64]

Rights of Unmarried Women with Children

The PRC does not explicitly ban unmarried women from having children, but many services, such as pre-natal healthcare and maternity leave benefits, require proof of marriage.[65] At a press conference in August 2022, an official from the National Healthcare Security Administration said that there is no national-level restriction on access to maternity benefits for unmarried mothers, and said local governments cannot ask women to provide marriage certificates in order to access benefits.[66] Beijing municipality and several provinces reportedly now allow single women to receive maternity leave benefits, and Sichuan province began to allow unmarried parents in February 2023 to register births in order to qualify for some benefits.[67] But while the births may be registered, those children are not eligible for enrollment in the household registration (*hukou*) system, which is critical to access public services.[68] In vitro fertilization for single women remained illegal throughout most of China, but media outlets reported in 2023 that health officials had begun discussing the possibility of allowing single women to freeze their eggs.[69] The issue is being litigated in court: In July 2022, a court in Beijing ruled in favor of a hospital that refused to freeze the eggs of a single woman, sparking online debate about the fairness of the ban.[70] The woman, surnamed Xu, appealed the decision at the Beijing No. 3 Intermediate People's Court in May 2023, but the court did not announce its decision at the time.[71]

Continuing Effects of the One-Child Policy

The legacy of the one-child policy continues to negatively affect many in China. This reporting year, two journalists concluded that the policy, which limited most families in China to one child, "exacted a huge social and human cost on Chinese society. Forced abortions, sterilizations, the use of intrauterine contraceptive devices as well as hefty financial penalties left physical and emotional scars on millions of women and traumatized families."[72] The government's population control policies, coercively enforced for decades, also contributed to the use of sex-selective abortion due to the preference for sons, especially in rural areas.[73] The sex ratio imbalance in China is stark, with researchers estimating 30 million fewer women in China as a result of the one-child policy.[74] Experts have attributed numerous social problems to the gender imbalance,

with one saying the consequences "will be felt in the generation ahead."[75] The sex ratio imbalance has intensified competition for brides in rural areas, driving up already financially burdensome "bride prices."[76] Observers have also linked the sex ratio imbalance to the trafficking of women within China and from abroad into China for purposes of forced marriage and commercial sexual exploitation.[77] The PRC's enforcement of population control policies has also led to other long-term harmful effects. An estimated 13 million people born in violation of China's population control policies were not registered under the *hukou* system and therefore lack access to certain social welfare benefits, public services, and the rights conferred by citizenship, including formal identification, education, and employment.[78] [For more information on the trafficking of women, see Chapter 10—Human Trafficking.]

Notes to Chapter 9—Population Control

[1] Yaqiu Wang, "It's Time to Abolish China's Three-Child Policy," in *Essays on Equality: The Politics of Childcare* (London: The Global Institute for Women's Leadership, King's College London, 2023), 54–57; Farah Master, "Time and Money for Love: China Brainstorms Ways to Boost Birth Rate," *Reuters*, March 15, 2023; "Ren Zeping: Kaifang bing guli shengyu ke bu ronghuan" [Ren Zeping: It is imperative to liberalize and encourage childbearing], *Northeast Net*, January 18, 2023; Ren Zeping, "Ren Zeping: Quanmian er hai hou fan'er chuxian shengyu duanya, ying liji quanmian fangkai bing guli shengyu" [Ren Zeping: Following the universal two-child policy, a fertility drop-off nevertheless occurred; [the policy] should be fully relaxed immediately and fertility should be encouraged], *Yicai*, February 3, 2021; Keith Zhai, "China Considers Lifting All Childbirth Restrictions by 2025," *Wall Street Journal*, June 18, 2021; Sui-Lee Wee, "China Says It Will Allow Couples to Have 3 Children, Up from 2," *New York Times*, September 27, 2021.

[2] Yaqiu Wang, "It's Time to Abolish China's Three-Child Policy," in *Essays on Equality: The Politics of Childcare* (London: The Global Institute for Women's Leadership, Kings College London, 2023), 54–57; Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, and endorsed by U.N. General Assembly resolution 50/203 on February 23, 1996, Annex I, paras. 9, 17. The Beijing Declaration states that governments that have participated in the Fourth World Conference on Women reaffirmed their commitment to "[e]nsure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms" (Annex I, para. 9); "[t]he explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment" (Annex I, para. 17). United Nations Population Fund, Programme of Action, adopted at the Cairo International Conference on Population and Development, September 13, 1994, paras. 7.2, 8.25. Paragraph 7.2 states, "Reproductive health therefore implies that people . . . have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice. . . ." Paragraph 8.25 states, "In no case should abortion be promoted as a method of family planning."

[3] Susan Greenhalgh, "Why Does the End of the One-Child Policy Matter?," in eds. Jennifer Rudolph and Michael Szonyi, *The China Questions: Critical Insights into a Rising Power* (Cambridge, MA: Harvard University Press, 2018), 183.

[4] Gu Baochang, Wang Feng, Guo Zhigang, and Zhang Erli, "China's Local and National Fertility Policies at the End of the Twentieth Century," *Population and Development Review* 33, no. 1 (March 7, 2007): 131–36.

[5] Rita Cheng, "Women Harmed by China's Draconian Family Planning Policies Still Seek Redress," *Radio Free Asia*, April 8, 2022; Li Wanxiang, "Wei renmin jiankang fuwu: Xin zujian de Guojia Weisheng Jiankang Weiyuanhui riqian guapai" [Serve the people's health: Newly formed National Health Commission recently was launched], *Economic Daily*, April 4, 2018; "China to Merge Health Ministry, Family Planning Commission," *Xinhua*, reprinted in *China Daily*, March 10, 2013; Andrew Mullen, "Explainer: China's One-Child Policy: What Was It and What Impact Did It Have?," *South China Morning Post*, June 1, 2021.

[6] Daniel C. Mattingly, "Responsive or Repressive? How Frontline Bureaucrats Enforce the One Child Policy in China," *Comparative Politics* 52, no. 2 (2020): 2, 4–6.

[7] Shui-yin Sharon Yam and Sarah Mellors Rodriguez, "Reproductive Realities in Modern China: A Conversation with Sarah Mellors Rodriguez," *Made in China Journal*, March 29, 2023; Daniel C. Mattingly, "Responsive or Repressive? How Frontline Bureaucrats Enforce the One Child Policy in China," *Comparative Politics* 52, no. 2 (2020): 2, 4–6; Martin King Whyte, Wang Feng, and Yong Cai, "Challenging Myths about China's One-Child Policy," *China Journal* 74, (July 2015): 150–52.

[8] Martin King Whyte, Wang Feng, and Yong Cai, "Challenging Myths about China's One-Child Policy," *China Journal* 74, (July 2015): 150–52.

[9] Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women on September 15, 1995, and endorsed by U.N. General Assembly resolution 50/203 on February 23, 1996, Annex I, paras. 9, 17; United Nations Population Fund, Programme of Action, adopted at the Cairo International Conference on Population and Development, September 13, 1994, paras. 7.2, 8.25.

[10] United Nations, Report of the Fourth World Conference on Women, A/CONF.177/20/Rev.1, September 15, 1995, chap. II, para. 3, chap. IV, para. 12. China was one of the participating States at the Fourth World Conference on Women, which adopted the Beijing Declaration and Platform for Action. United Nations, Report of the International Conference on Population and Development, A/CONF.171/13/Rev.1, September 13, 1994, chap. II, sec. C, chap. VI, para. 1.

[11] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by U.N. General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 1; U.N. Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at Its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 51. In 2016, the U.N. Committee against Torture noted its concern regarding "reports of coerced sterilization and forced abortions, and . . . the lack of information on the number of investigations into such allegations . . . [and] the lack of information regarding redress provided to victims of past violations." See also Convention on the Elimination of All Forms of Discrimination against Women, adopted by U.N. General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, art. 16.1(e). Under article 16.1(e), "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: . . . The same rights to decide freely and responsibly on the number and spacing of their children and to have access to

the information, education and means to enable them to exercise these rights[.]" See also International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 17. Under Article 17 of the ICCPR, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation."

[12] Ciara Laverty and Dieneke de Vos, "Forced Abortion as an International Crime: Recent Reports from Northern Nigeria," *Just Security*, December 23, 2022.

[13] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2020 Country Reports on Human Rights Practices—China (Includes Hong Kong, Macau, and Tibet)," March 30, 2021; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2021 Country Reports on Human Rights Practices—China (Includes Hong Kong, Macau, and Tibet)," April 12, 2022; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices—China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023. See also U.S. Department of State, "Determination of the Secretary of State on Atrocities in Xinjiang," January 19, 2021; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 273–74, 280–81.

[14] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 104–14.

[15] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, para. 70; Office of the U.N. High Commissioner for Human Rights, "Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women's Political Participation and Sex-Selective Abortions," May 12, 2023; U.N. Committee on the Elimination of Discrimination against Women, Concluding Observations on the Ninth Periodic Report of China, adopted by the Committee at its 58th Session (8–26 May 2023), CEDAW/C/CHN/CO/9, May 31, 2023, paras. 43–44.

[16] "China Cuts Uighur Births with IUDs, Abortion, Sterilization," *Associated Press*, June 29, 2020; Nathan Ruser and James Leibold, "Family De-Planning: The Coercive Campaign to Drive Down Indigenous Birth-Rates in Xinjiang," International Cyber Policy Centre, Australian Strategic Policy Institute, Policy Brief Report no. 44 (2021): 4, 7, 16. See also Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 280–81.

[17] Adrian Zenz and Uyghur Tribunal, "The Xinjiang Papers: An Introduction," February 10, 2022, 5.

[18] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 107–8.

[19] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, para. 108.

[20] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 112–13.

[21] Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, "China Participates in 3rd Review of Implementation on Intl Covenant on Economic, Social and Cultural Rights," February 16, 2023.

[22] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, para. 70. See also Office of the U.N. High Commissioner on Human Rights, "Committee on Economic, Social and Cultural Rights Commends China for Efforts to Reduce Poverty, Asks about Measures to Protect Ethnic Minorities from Reported Forced Labour and the Coverage of the Social Welfare System," February 17, 2023. In response to the CESCR's questions about these rights violations in the XUAR, the Chinese delegation denied the allegations, saying that "forced contraception was prohibited." Regarding the population decline in the region, the delegation said, "The population in southern Xinjiang had dropped, but this was in line with China's population trend. The drop had nothing to do with forced sterilization or arbitrary detention."

[23] U.N. Committee on the Elimination of Discrimination against Women, Concluding Observations on the Ninth Periodic Report of China, adopted by the Committee at its 58th Session (8–26 May 2023), CEDAW/C/CHN/CO/9, May 31, 2023, para. 44(d).

[24] Wang Pingping, "Wang Pingping: Renkou zongliang le you xiajiang chengzhenhua shuiping jixu tigao" [Wang Pingping: Total population has slightly declined, urbanization levels continue to increase], *Economic Daily*, January 18, 2023.

[25] Ian Johnson, "China: Worse Than You Ever Imagined," *New York Review of Books*, November 22, 2012.

[26] Alexandra Stevenson and Zixu Wang, "China's Population Falls, Heralding a Demographic Crisis," *New York Times*, January 17, 2023; Brook Larmer and Jane Zhang, "China's Population Is Shrinking. It Faces a Perilous Future.," *National Geographic*, March 22, 2023.

[27] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2022 National Economic and Social Development," February 28, 2023; "China: Birth Rate 2022," *Statista*, January 2023; Alexandra Stevenson and Zixu Wang, "China's Population Falls, Heralding a Demographic Crisis," *New York Times*, January 17, 2023.

[28] Alexandra Stevenson and Zixu Wang, "China's Population Falls, Heralding a Demographic Crisis," *New York Times*, January 17, 2023; Shucai Yang, Quanbao Jiang, and Jesús J. Sánchez-Barricarte, "China's Fertility Change: An Analysis with Multiple Measures," *Population Health Metrics* 20, no. 1 (March 31, 2022): 12.

[29] "Quanwei kuaibao: San hai shengyu zhengce lai le" [Authoritative announcement: Three-child policy has arrived], *Xinhua*, May 31, 2021.
[30] *Zhonghua Renmin Gongheguo Renkou yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, effective September 1, 2002, amended August 20, 2021, art. 18; "Quanwei kuaibao: San hai shengyu zhengce lai le" [Authoritative announcement: Three-child policy has arrived], *Xinhua*, May 31, 2021. See also Sui-Lee Wee, "China Says It Will Allow Couples to Have 3 Children, Up from 2," *New York Times*, September 27, 2021.
[31] *Zhonggong Zhongyang Guowuyuan Guanyu Youhua Shengyu Zhengce Cujin Renkou Changqi Junheng Fazhan de Jueding* [Decision of the Central Committee of the Chinese Communist Party and the State Council on Optimizing the Fertility Policy and Promoting the Long-term Balanced Development of the Population], *Xinhua*, July 20, 2021.
[32] *Zhonghua Renmin Gongheguo Renkou yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, effective September 1, 2002, amended August 20, 2021, art. 18.
[33] *Zhonghua Renmin Gongheguo Renkou yu Jihua Shengyu Fa* [PRC Population and Family Planning Law], passed December 29, 2001, effective September 1, 2002, amended August 20, 2021, art. 18; *Zhonggong Zhongyang Guowuyuan Guanyu Youhua Shengyu Zhengce Cujin Renkou Changqi Junheng Fazhan de Jueding* [Decision of the Central Committee of the Chinese Communist Party and the State Council on Optimizing the Fertility Policy and Promoting the Long-term Balanced Development of the Population], *Xinhua*, July 20, 2021.
[34] Tyrene White, "Policy Case Study: Population Policy," in ed. William A. Joseph, *Politics in China: An Introduction, Third Edition* (New York: Oxford University Press, 2019), 435. White's comment about ongoing control of fertility in China by PRC authorities was made in relation to the shift to the two-child policy in 2016, but it remains relevant for the shift to the three-child policy. See also Nicholas Eberstadt, "Opinion; China's Collapsing Birth and Marriage Rates Reflect a People's Deep Pessimism," *Washington Post*, February 28, 2023.
[35] "Xi Jinping tichu, zengjin minsheng fuzhi, tigao renmin shenghuo pinzhi" [Xi Jinping proposes to improve the people's livelihood and well-being and improve the people's quality of life], *Xinhua*, October 16, 2022; Yew Lun Tian and Martin Quin Pollard, "Xi Says China Will Seek to Lift Birth Rate in Face of Ageing Population," *Reuters*, October 16, 2022.
[36] National Health Commission et al., *Guanyu Jinyibu Wanshan he Luoshi Jiji Shengyu Zhichi Cuoshi de Zhidao Yijian* [Guiding Opinions on Further Improving and Implementing Supportive Measures to Encourage Childbirth], July 25, 2022, sec. 2(3). For an unofficial translation of the Guiding Opinions, see "Guiding Opinions on Further Improving and Implementing Measures to Support Stimulation of Childbirth," translated in *China Law Translate*, August 16, 2022. China Family Planning Association, "The Protection and Promotion of Human Rights in the Fields of Population, Family and Reproductive Health In China (2020–2022)," February 16, 2023, sec. 3.
[37] National Health Commission et al., *Guanyu Jinyibu Wanshan he Luoshi Jiji Shengyu Zhichi Cuoshi de Zhidao Yijian* [Guiding Opinions on Further Improving and Implementing Supportive Measures to Encourage Childbirth], July 25, 2022, secs. 4(8–9), 7(16–18).
[38] Luo Wangshu and Wang Xiaoyu, "Nation Takes Steps to Encourage More Births," *China Daily*, August 17, 2022; Farah Master, "Factbox: How China Is Seeking to Boost Its Falling Birth Rate," *Reuters*, January 17, 2023.
[39] National Health Commission et al., *Guanyu Jinyibu Wanshan he Luoshi Jiji Shengyu Zhichi Cuoshi de Zhidao Yijian* [Guiding Opinions on Further Improving and Implementing Supportive Measures to Encourage Childbirth], July 25, 2022, sec. 7(16–18).
[40] *Zhonghua Renmin Gongheguo Funü Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended October 30, 2022, effective January 1, 2023, arts. 42, 46–49. For an unofficial translation, see "PRC Law on the Protection of the Rights and Interests of Women," translated in *China Law Translate*, October 30, 2022.
[41] China Family Planning Association, "Zhongguo Jisheng Xie guanyu Queding 2022 Nian Xinxing Hun Yu Wenhua Jianshe Shidian Xiangmu Danwei de Tongzhi" [Circular of the China Family Planning Association on the 2022 New Type of Marriage and Childbirth Culture Construction Pilot Projects], August 24, 2022.
[42] Dong Ruifeng and Tian Xiaohang, "Yingzao shengyu youhao shehui huanjing di er pi xin shidai hun yu wenhua jianshe shidian xiangmu jiang kaizhan" [Creating a birth-friendly social environment: The second batch of pilot projects for the construction of marriage and childbearing culture in the new era will be launched], *People's Daily*, May 19, 2023; "Pilot Projects Launched in 20 More Cities to Build New-Era Marriage Culture," *Global Times*, May 14, 2023; Liyan Qi, "Enforcers of China's One-Child Policy Are Now Cajoling People to Have Three," *Wall Street Journal*, June 5, 2023.
[43] China Family Planning Association, "Zhongguo Jisheng Xie jianjie" [China Family Planning Association brief introduction], December 28, 2018; Yanfei Hu and Gavin Hilson, "Philanthropic Foundations and Institutional Change under Rigid Authoritarianism: Exploring the Ford Foundation's Historical Grantmaking in the Chinese Family Planning Field (1991–2005)," *Journal of Social Policy* (2023): 6. See also Judith Audin and Jérôme Doyon, "Intermediary Political Bodies of the Party-State: A Sociology of Mass and Grassroots Organisations in Contemporary China," *China Perspectives*, no. 2 (2019): 3–4.
[44] Dong Ruifeng and Tian Xiaohang, "Yingzao shengyu youhao shehui huanjing: Di er pi xin shidai hun yu wenhua jianshe shidian xiangmu jiang kaizhan" [Creating a birth-friendly social environment: The second batch of pilot projects for the construction of marriage and childbearing culture in the new era will be launched], *People's Daily*, May 19, 2023; "Pilot Projects Launched in 20 More Cities to Build New-Era Marriage Culture," *Global Times*, May 14, 2023.
[45] Liyan Qi, "Enforcers of China's One-Child Policy Are Now Cajoling People to Have Three," *Wall Street Journal*, June 5, 2023.
[46] Zhao Meng, "40 ge dishi shidian, jiujing hewei xinxing hun yu wenhua?" [With 40 local pilot sites, what exactly is the new marriage and childbearing culture?], *Jiemian*, May 18, 2023.

[47] Farah Master, "Time and Money for Love: China Brainstorms Ways to Boost Birth Rate," *Reuters*, March 15, 2023; Zhao Yusha, "Motions, Proposals for China's 2023 Two Sessions Focus on Boosting Birth Rate," *Global Times*, March 1, 2023.

[48] Shannon Tiezzi, "What Is the CPPCC Anyway?," *Diplomat*, March 4, 2021.

[49] Farah Master, "Time and Money for Love: China Brainstorms Ways to Boost Birth Rate," *Reuters*, March 15, 2023; Zhao Yusha, "Motions, Proposals for China's 2023 Two Sessions Focus on Boosting Birth Rate," *Global Times*, March 1, 2023.

[50] Christian Shepherd and Lyric Li, "China Wants More Babies. Women Want the Right to Say No," *Washington Post*, January 23, 2023; Charmaine Jacob, "China Is Facing a Population Crisis but Some Women Continue to Say 'No' to Having Babies," *CNBC*, April 9, 2023; Alexandra Stevenson and Zixu Wang, "China's Population Falls, Heralding a Demographic Crisis," *New York Times*, January 16, 2023; Mei Fong and Yaqiu Wang, "How to Fix China's Population Crisis: Say Sorry to Women," in *Disruptive Asia* 5, 2022, Asia Society Australia; He Huifeng, "Why Are China's Gen Z Women Rejecting Marriage, Kids More than Their Male Counterparts?," *South China Morning Post*, January 6, 2022; Nectar Gan, "Chinese Millennials Aren't Getting Married, and the Government Is Worried," *CNN*, January 29, 2021; Helen Davidson and Verna Yu, "Millions of Missing Women: China Grapples with Legacy of One-Child Policy as Population Ages," *Guardian*, November 14, 2022.

[51] Farah Master, "Time and Money for Love: China Brainstorms Ways to Boost Birth Rate," *Reuters*, March 15, 2023.

[52] He Huifeng, "Why Are China's Gen Z Women Rejecting Marriage, Kids More than Their Male Counterparts?," *South China Morning Post*, January 6, 2022; Farah Master, "Time and Money for Love: China Brainstorms Ways to Boost Birth Rate," *Reuters*, March 15, 2023; Christian Shepherd and Lyric Li, "China Wants More Babies. Women Want the Right to Say No," *Washington Post*, January 23, 2023; Alexandra Stevenson and Zixu Wang, "China's Population Falls, Heralding a Demographic Crisis," *New York Times*, January 16, 2023; Nectar Gan, "Chinese Millennials Aren't Getting Married, and the Government Is Worried," *CNN*, January 29, 2021; Helen Davidson and Verna Yu, "Millions of Missing Women: China Grapples with Legacy of One-Child Policy as Population Ages," *Guardian*, November 14, 2022.

[53] Christian Shepherd and Lyric Li, "China Wants More Babies. Women Want the Right to Say No," *Washington Post*, January 23, 2023; Chauncey Jung, "'Human Mines': China's Population Policy Flip-Flops Spark Anger," *Diplomat*, January 31, 2023; "[Mingan ciku] Renkuang" [[Sensitive Lexicon] Human Mine], *China Digital Times*, January 7, 2023; RFA Chinese (@RFA—Chinese), "Ji 'tangping,' 'run' zhihou, #renkuang huo le!. . ." [Following after "laying flat" and "Run away," #human mine is now viral! . . .], Twitter, January 5, 2023, 7:28 p.m.

[54] Yi-Ling Liu, "9 Viral Phrases That Explain China's Work Culture," *Rest of World*, February 10, 2023; Verna Yu, "'The Last Generation': The Young Chinese People Vowing Not to Have Children," *Guardian*, January 20, 2023; He Huifeng, "Why Are China's Gen Z Women Rejecting Marriage, Kids More than Their Male Counterparts?," *South China Morning Post*, January 6, 2022. See also Jill Disis, "China Blasts '996' Excessive Work Culture," *CNN*, August 27, 2021.

[55] Li Yuan, "'The Last Generation': The Disillusionment of Young Chinese," *New York Times*, May 24, 2022.

[56] Verna Yu, "'The Last Generation': The Young Chinese People Vowing Not to Have Children," *Guardian*, January 20, 2023; Barclay Bram, "The Last Generation: Why China's Youth Are Deciding against Having Children," Asia Society Policy Institute, January 2023.

[57] Nicholas Eberstadt, "Opinion; China's Collapsing Birth and Marriage Rates Reflect a People's Deep Pessimism," *Washington Post*, February 28, 2023.

[58] Nicholas Eberstadt, "Opinion; China's Collapsing Birth and Marriage Rates Reflect a People's Deep Pessimism," *Washington Post*, February 28, 2023. See also Mei Fong and Yaqiu Wang, "How to Fix China's Population Crisis: Say Sorry to Women," in *Disruptive Asia* 5, 2022, Asia Society Australia; "In Fast-Aging China, Elder Care Costs Loom Large," *Voice of America*, May 23, 2021.

[59] Verna Yu, "'The Last Generation': The Young Chinese People Vowing Not to Have Children," *Guardian*, January 20, 2023.

[60] Mei Fong and Yaqiu Wang, "How to Fix China's Population Crisis: Say Sorry to Women," in *Disruptive Asia* 5, 2022, Asia Society Australia; Barclay Bram, "The Last Generation: Why China's Youth Are Deciding against Having Children," Asia Society Policy Institute, January 2023. See also Yun Jiang, "Beijing and the Birth Rate: A Question of Human Rights for Women," *Interpreter*, Lowy Institute, March 8, 2023.

[61] Mei Fong and Yaqiu Wang, "How to Fix China's Population Crisis: Say Sorry to Women," in *Disruptive Asia* 5, 2022, Asia Society Australia.

[62] Mei Fong and Yaqiu Wang, "How to Fix China's Population Crisis: Say Sorry to Women," in *Disruptive Asia* 5, 2022, Asia Society Australia.

[63] Yun Jiang, "Beijing and the Birth Rate: A Question of Human Rights for Women," *Interpreter*, Lowy Institute, March 8, 2023. See also Nicholas Eberstadt, "Opinion; China's Collapsing Birth and Marriage Rates Reflect a People's Deep Pessimism," *Washington Post*, February 28, 2023.

[64] Yun Jiang, "Beijing and the Birth Rate: A Question of Human Rights for Women," *Interpreter*, Lowy Institute, March 8, 2023.

[65] Helen Davidson, "Chinese Province Ends Ban on Unmarried People Having Children," *Guardian*, January 30, 2023.

[66] Luo Meihan, "Amid Pro-Birth Blitz, China Pledges Benefits for Single Moms," *Sixth Tone*, August 18, 2022; Chad de Guzman, "Why One of China's Largest Provinces Is Lifting Birth Limits—Even for Unmarried Parents," *Time*, February 2, 2023.

[67] Liyan Qi, "Single Mothers in China Face Fewer Hurdles as Beijing Tries to Boost Births," *Wall Street Journal*, February 15, 2023; Meaghan Tobin, "China Province to Offer Benefits to Single Parents as Birthrate Drops," *Washington Post*, January 31, 2023.

[68] Shui-yin Sharon Yam and Sarah Mellors Rodriguez, "Reproductive Realities in Modern China: A Conversation with Sarah Mellors Rodriguez," *Made in China Journal*, March 29, 2023; Meaghan Tobin, "China Province to Offer Benefits to Single Parents as Birthrate Drops," *Washington Post*, January 31, 2023.

[69] Yang Caini, "China Mulls Allowing Single Women to Freeze Eggs," *Sixth Tone*, March 14, 2023; Farah Master and Xiaoyu Yin, "China Weighs Giving Single Women IVF Access to Stem Population Decline," *Reuters*, April 28, 2023.

[70] Tara Subramaniam, "Unmarried Woman Loses Bid to Freeze Her Eggs—and Sparks a Gender Equality Debate in China," *CNN*, July 29, 2022.

[71] Kai Di, "Zhongguo shouli danshen nüxing dong luan an ershen, dangshiren: pan faguan weihu shengyu quan" [Second-instance trial for China's first-ever lawsuit of a single woman freezing her eggs, plaintiff: hopes the judge will protect the right to give birth], *Radio Free Asia*, May 9, 2023.

[72] Helen Davidson and Verna Yu, "Millions of Missing Women: China Grapples with Legacy of One-Child Policy as Population Ages," *Guardian*, November 14, 2022.

[73] Mei Fong and Yaqiu Wang, "How to Fix China's Population Crisis: Say Sorry to Women," in *Disruptive Asia* 5, 2022, Asia Society Australia; Albee Zhang and Farah Master, "China's First Population Drop in Six Decades Sounds Alarm on Demographic Crisis," *Reuters*, January 18, 2023; Helen Davidson and Verna Yu, "Millions of Missing Women: China Grapples with Legacy of One-Child Policy as Population Ages," *Guardian*, November 15, 2022. For more on the intersection of the one-child policy and traditional preference for sons, see Xiaojia Bao et al., "Where Have All the Children Gone? An Empirical Study of Child Abandonment and Abduction in China," *Journal of Economic Behavior & Organization* 208 (April 1, 2023); Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR*, July 4, 2021; Andrew Mullen, "Explainer: China's One-Child Policy: What Was It and What Impact Did It Have?," *South China Morning Post*, June 1, 2021.

[74] Laura Silver and Christine Huang, "Key Facts about China's Declining Population," Pew Research Center (blog), December 5, 2022; "China: Population by Gender 2022," *Statista*, January 17, 2023; Ravinder Kaur, "Gender and Demography in Asia (India and China)," in *Oxford Research Encyclopedia of Asian History*, 2020; Carl Minzner, "Xi Jinping Can't Handle an Aging China," *Foreign Affairs*, May 2, 2023. Minzner directly links the sex ratio imbalance to the widespread practice of sex-selective abortion.

[75] Mei Fong and Yaqiu Wang, "How to Fix China's Population Crisis: Say Sorry to Women," in *Disruptive Asia* 5, 2022, Asia Society Australia; Zhibo Tan, Shang-Jin Wei, and Xiaobo Zhang, "Deadly Discrimination: Implications of 'Missing Girls' for Workplace Safety," *Journal of Development Economics* 152, (September 2021): 1, 8; "China's Demographic Challenges: The Long-Term Consequences of the One-Child Policy," Global Affairs and Strategic Studies, Universidad de Navarra, June 30, 2021; Emily Feng, "China's Former 1-Child Policy Continues to Haunt Families," *NPR*, July 4, 2021.

[76] Nicole Hong and Zixu Wang, "In China, Marriage Rates Are Down and 'Bride Prices' Are Up," *New York Times*, March 26, 2023.

[77] Marta Kasztelan, "'I Was Screaming for Help': Sold as Brides in China, Few Cambodian Women Escape Their Fate," *South China Morning Post*, August 21, 2022; Zhibo Tan, Shang-Jin Wei, and Xiaobo Zhang, "Deadly Discrimination: Implications of 'Missing Girls' for Workplace Safety," *Journal of Development Economics* 152, (September 2021): 1, 8; Cheryl Heng, "China Home to 30 Million Men in Search of a Bride, Census Shows," *South China Morning Post*, May 17, 2021; Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times*, March 7, 2022. See also Heather Barr, "China's Bride Trafficking Problem," *Diplomat*, October 30, 2019.

[78] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices—China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023, 72; Samantha A. Vortherms, "China's Missing Children: Political Barriers to Citizenship through the Household Registration System," *China Quarterly* 238 (June 2019): 309, 312.

HUMAN TRAFFICKING

Findings

- Multiple U.N. human rights bodies and experts expressed concern over the People's Republic of China's (PRC) government-sponsored forced labor in the Xinjiang Uyghur Autonomous Region (XUAR). U.N. bodies and experts expressed concern that such forced labor was systematic and policy-driven in nature and called on the PRC government to end forced labor programs in the XUAR.
- In December 2022, the U.S. Treasury Department "sanctioned two individuals, Li Zhenyu and Xinrong Zhuo, and the networks of entities they control, including Dalian Ocean Fishing Co., Ltd. and Pingtan Marine Enterprise, Ltd.," for their connection to serious human rights abuses.
- Political prisoners including **Lee Ming-cheh** and **Cheng Yuan** were forced to work while in detention. Both Lee and Cheng were convicted under broad and vaguely defined state security charges for their exercise of rights recognized under international law.
- Examples of cross-border trafficking during the Commission's 2023 reporting year included women and girls from Cambodia trafficked in China, Chinese nationals forced into international online scamming schemes in Cambodia, and Chinese nationals subjected to abusive practices in state-funded investment projects abroad.
- An international non-profit said that data involving human organs and tissues from the PRC would not be accepted for submission for its meetings or publications due to "the body of evidence that the [PRC] stands alone in continuing to systematically support the procurement of organs or tissue from executed prisoners."

Recommendations

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

- Fully implement the Uyghur Forced Labor Prevention Act (UFLPA) and regularly update and expand the lists of entities identified as complicit in forced labor, pursuant to this law. Congress should also increase funding to U.S. Customs and Border Protection (CBP) to bolster CBP enforcement of the UFLPA.
- Monitor and support the Tier 3 designation for China in the annual U.S. State Department Trafficking in Persons Report. As part of that designation, employ the actions described in Section 110 of the Trafficking Victims Protection Act of 2000 (TVPA) as amended (22 U.S.C. §7107) to address government-sponsored forced labor. Ensure that significant traffickers in persons in China are identified and sanctioned under Section 111 of the TVPA as amended (22 U.S.C. §7108).
- Consider actions, including through legislation as needed, that bolster supply chain transparency, including by requiring

supply chain mapping, disclosure, comprehensive human rights due diligence, and country of origin labels for goods purchased and sold online.

○ Provide humanitarian pathways for victims of human trafficking in the PRC, including protections for those seeking asylum to ensure they are not deported to the PRC and are resettled in countries that have no extradition agreement with China, including the United States.

HUMAN TRAFFICKING

China's Human Trafficking and Forced Labor Obligations under International Law

PALERMO PROTOCOL

As a State Party to the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),[1] China is obligated to combat human trafficking and enact legislation criminalizing human trafficking as defined in the Palermo Protocol.[2] The Palermo Protocol definition of human trafficking comprises three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control; and
- the purpose of exploitation, including sexual exploitation, forced labor, or the forced removal of organs.[3]

Under the Palermo Protocol, crossing international borders is not required for an action to constitute human trafficking, such as in cases of government-sponsored forced labor.[4]

ILO FORCED LABOR CONVENTIONS AND ILO INDICATORS OF FORCED LABOR

In addition to its obligations under the Palermo Protocol, China has committed to obligations to combat forced labor under International Labour Organization (ILO) conventions. In 2022, the National People's Congress Standing Committee ratified the ILO's Forced Labour Convention of 1930 and Abolition of Forced Labour Convention of 1957.[5] The Forced Labour Convention defines forced labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."[6] The ILO's Abolition of Forced Labour Convention prohibits China from using forced labor "as a means of political coercion or education" or "as a means of racial, social, national or religious discrimination."[7]

The ILO provides eleven indicators of forced labor to help "identify persons who are possibly trapped in a forced labour situation."[8] The indicators include—

- abuse of vulnerability;
- deception;
- restriction of movement;
- isolation;
- physical and sexual violence;
- intimidation and threats;
- retention of identity documents;
- withholding of wages;
- debt bondage;
- abusive working and living conditions; and
- excessive overtime.[9]

In this chapter, these ILO indicators are used to identify possible cases of human trafficking and forced labor that occurred during the Commission's 2023 reporting year.[10]

Cross-Border Trafficking

During the Commission's 2023 reporting year, China remained[11] both a source and destination country for human trafficking across international borders. Examples of cross-border trafficking during this reporting year include the following:

- **Women and girls trafficked in China.** Reporting from the South China Morning Post found that women and girls from Cambodia were trafficked in China for forced marriage and sexual exploitation.[12] According to the reporting, these women and girls were often promised improved economic circumstances through marriage or employment before being forced into exploitative situations.[13] Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex ratio imbalance in China.[14] This imbalance has created a demand for marriageable women that may contribute to human trafficking for the purpose of forced marriage.[15]
- **Chinese nationals forced to conduct international online scams linked to Belt and Road Initiative (BRI) projects in Cambodia.** During the reporting year, Al Jazeera and other news outlets reported that Chinese nationals forced individuals from China and other parts of Asia to work in compounds in Cambodia to carry out scam operations targeting people around the world.[16] Individuals forced to work were often promised employment in Cambodia or elsewhere, but instead were forced to work in online scamming.[17] In addition to being deceived by traffickers, individuals were subjected to abusive practices including restriction of movement, confiscation of identity documents, physical violence, and debt bondage, which the ILO has identified as indicators of forced labor.[18] Multiple reports linked the increase in scamming in Cambodia to the influx of Chinese state-sponsored investment to Cambodia through the BRI.[19] For example, China Labor Watch (CLW) stated that Chinese and Cambodian officials bear responsibility for the human trafficking and scamming taking place in Sihanoukville, Cambodia, "because Sihanoukville is an economic zone created between China and Cambodia under the BRI."[20]
- **Presence of forced labor indicators in state-funded BRI investment projects abroad.** In November 2022, CLW and Axios reported that Chinese workers in PRC-funded BRI investment projects abroad were subjected to abusive practices that are indicators of forced labor, such as abuse of vulnerability, deception, physical violence, retention of identity documents, and withholding of wages.[21] These indicators were observed in projects located in countries including Serbia, Algeria, Indonesia, the Democratic Republic of the Congo, and Singapore.[22]

[For information on trafficking of North Koreans in China, see Chapter 15—North Korean Refugees in China.]

Chinese Fishing Companies Sanctioned for Human Rights Abuses

In December 2022, the U.S. Treasury Department "sanctioned two individuals, Li Zhenyu and Xinrong Zhuo, and the networks of entities they control, including Dalian Ocean Fishing Co., Ltd. and Pingtan Marine Enterprise, Ltd.," for their connection to serious human rights abuses.[23] Distant water fishing vessels owned by Dalian and Pingtan had previously been implicated in subjecting Indonesian crewmembers to forced labor.[24] In response to the April 2023 delisting of Pingtan Marine from the NASDAQ, an analyst at C4ADS stated that "[t]he ultimate perpetrators of the environmental and human rights violations committed by these vessels are those who own them and finance them, and it's these people who should be punished for these crimes."[25] Both Dalian and Pingtan received subsidies to expand their distant water fishing operations from the Chinese government,[26] and the Chinese distant water fishing fleet is heavily subsidized by the Chinese central and local governments.[27]

Chinese Companies, Cobalt Mining, and Child Labor in the Democratic Republic of the Congo

Reports highlighted poor working conditions and child labor[28] in cobalt[29] mines in the Democratic Republic of the Congo (DRC), some of which were connected directly to Chinese companies.[30] According to the United States Geological Survey and other sources, 70 percent of mined cobalt comes from the DRC, the majority of which is exported to China.[31] Under the U.N. Guiding Principles on Business and Human Rights, Chinese companies should seek to avoid "contributing to adverse human rights impacts through their own activities, and address such impacts when they occur." Global demand for cobalt mined in the DRC is expected to increase given growing global demand for electric vehicles.[32] According to the United States Geological Survey, U.S. domestic supply of cobalt is several times smaller than the top global producers of cobalt, and "[m]ost U.S. cobalt supply consisted of imports and secondary (scrap) materials."[33] [For more information on the role of businesses in human rights abuses, see Chapter 14—Business and Human Rights.]

Domestic Trafficking

During this reporting year, the Commission continued[34] to observe reports concerning cases of domestic human trafficking in China:

- **Reported trafficking cases in Hebei province.** In September 2022, the Party-run media outlet Global Times reported that authorities "solved 22 cases of abducting and trafficking women and children, and recovered 17 missing and abducted women and children" in Hebei.[35] These figures likely include cases of illegal adoption.[36]
- **Chinese girl sold into marriage by parents in Sichuan province.** In February 2023, Chinese Central Television and

Sixth Tone reported that the parents of a sixteen-year-old girl in Sichuan attempted to force their daughter into marriage in exchange for 260,000 yuan (approximately US$38,000).[37] The girl subsequently fled to Guangdong province and found a job.[38] When relatives of the man she was sold to marry attempted to forcibly return her to Sichuan, the girl escaped in the Guangxi Zhuang Autonomous Region and informed local authorities that her parents had sold her into marriage.[39] Social media users criticized the fact that authorities eventually returned the girl to her family who had sold her, and according to Sixth Tone, representatives of the women's federation in Sichuan said that they would visit the girl monthly "to ensure her safety."[40]

• **Court judgments issued in case of chained woman in Jiangsu province.** In April 2023 a court in Xuzhou municipality, Jiangsu, sentenced a man to nine years in prison for domestic abuse and unlawful detention,[41] while five others received sentences of eight to thirteen years for their roles in trafficking a woman.[42] The defendants in the case were sentenced after a video showing the woman living in a shed with a chain around her neck went viral on China's social media platforms in early 2022.[43] Despite government censorship of online discussions of the case, many internet users expressed dissatisfaction with the sentencing and called for stricter punishments.[44] Observers also noted that the case did not include any rape charges and some accused authorities of using the verdict to obfuscate China's serious ongoing human trafficking problems.[45] [For more information on government censorship, see Chapter 1—Freedom of Expression.]

• **In Hong Kong, migrant domestic workers (MDWs) remained[46] at risk of exploitation.** Two regulations—one requiring MDWs to live with their employers (live-in rule)[47] and another requiring them to leave Hong Kong within two weeks of contract termination[48]—contributed to MDWs' risk of exploitation.[49] In November 2022, the U.N. Human Rights Committee expressed concerns that these two regulations continued "to put migrant domestic workers at high risk of abuse and exploitation by their employers" and "prevent them from reporting exploitative employment and abuse, owing to fears of losing their jobs and having to leave Hong Kong."[50]

Political Prisoners Forced to Labor in Hunan Province

Prior to and during the Commission's 2023 reporting year, nongovernmental organization volunteer **Lee Ming-cheh,**[51] Shi Minglei, wife of human rights advocate **Cheng Yuan,**[52] and another former prisoner reported that authorities forced political prisoners to work while they were detained at Chishan Prison, located in Yuanjiang city, Yiyang municipality, Hunan.[53] Lee was held at Chishan Prison until April 15, 2022, and as of June 30, 2023, Cheng was still held there.[54] According to Lee and another former prisoner, gloves made at Chishan Prison were exported to the United States.[55] The definition of forced labor under the International Labour Organization's (ILO) Forced Labour Convention makes an exception for labor performed "as a consequence of a conviction in a court of law."[56] Both Lee and Cheng, however, were convicted under broad and vaguely defined state security charges[57] for their exercise of rights recognized under international law—including the right to freedom of expression.[58] Under the Palermo Protocol, the "abuse of power or of a position of vulnerability" to subject someone to forced labor is a form of human trafficking,[59] and the ILO Abolition of Forced Labour Convention prohibits the use of forced labor "as punishment for the expression of political views."[60] [For more information, see Chapter 14—Business and Human Rights.]

INTERNATIONAL TRANSPLANT ORGANIZATION REFUSED ORGAN TRANSPLANT DATA FROM THE PRC

International experts continued[61] to raise concerns about forced organ removal in the PRC. In an October 2022 statement, the International Society for Heart and Lung Transplantation (ISHLT) said that data involving human organs and tissues from the PRC would not be accepted for ISHLT-sponsored meetings or publications.[62] ISHLT said it made this decision in response to what it called "the body of evidence that the government of the People's Republic of China stands alone in continuing to systematically support the procurement of organs or tissue from executed prisoners."[63] Previously, in a paper published in July 2022 in the American Journal of Transplantation, two researchers noted that "the inherently coercive circumstances in which condemned prisoners are held impairs their (or their families') capacity to give free and informed consent to donate organs upon death."[64] Under the Palermo Protocol, the "abuse of power or of a position of vulnerability" to achieve consent in the removal of organs is a form of human trafficking.[65]

U.N. Human Rights Bodies and Experts Expressed Concern over Forced Labor in the XUAR

PRC government-sponsored forced labor[66] contravenes international human rights standards and China's international obligations.[67] During this reporting year, multiple U.N. human rights bodies and experts expressed concern over the PRC government's sponsoring and using forced labor in the Xinjiang Uyghur Autonomous Region (XUAR).[68] In particular, certain U.N. human rights bodies and experts expressed concern that forced labor in the

XUAR was systematic and policy-driven in nature,[69] and there were multiple calls to end forced labor programs in the XUAR.[70]

In its August 2022 assessment of human rights concerns in the XUAR, the Office of the U.N. High Commissioner for Human Rights (OHCHR) stated that it shared concerns previously laid out by the ILO supervisory bodies regarding the treatment of religious and ethnic minorities in China, including "indicators suggesting measures severely restricting the free choice of employment" by Uyghurs and other Muslim minorities in China,[71] and that the employment schemes "appear to be discriminatory in nature or effect and to involve elements of coercion . . .."[72] [For more information on forced labor and other human rights abuses in the XUAR, see Chapter 18—Xinjiang. For more information on the risk of corporate complicity in forced labor in the XUAR, see Chapter 14—Business and Human Rights.]

Notes to Chapter 10—Human Trafficking

[1] United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed June 21, 2023, art. 12.

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 5.1, 9.1. See also U.N. Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, A/HRC/35/37, March 28, 2017, para. 14.

[3] U.N. Office on Drugs and Crime, "The Crime," accessed January 25, 2023. Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the Palermo Protocol, see International Labour Office, International Labour Organization, "Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement," 2005, 7–15; International Labour Organization, "Questions and Answers on Forced Labour," June 1, 2012. The International Labour Organization lists "withholding of wages" as an indicator of forced labor. See also Peter Bengsten, "Hidden in Plain Sight: Forced Labour Constructing China," *openDemocracy,* February 16, 2018.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a); Anti-Slavery International, "What Is Human Trafficking," accessed January 25, 2023; Human Rights Watch, "Smuggling and Trafficking Human Beings," July 7, 2015; Rebekah Kates Lemke, Catholic Relief Services, "7 Things You May Not Know about Human Trafficking, and 3 Ways to Help," January 5, 2020. For examples of human trafficking reports that list government-sponsored forced labor in China as part of human trafficking, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "2023 Trafficking in Persons Report," June 15, 2023, China; Congressional-Executive Commission on China, "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," March 2020, 9.

[5] International Labour Organization, "China Ratifies the Two ILO Fundamental Conventions on Forced Labour," August 12, 2022; Nadya Yeh, "China Ratifies Two International Treaties on Forced Labor," *SupChina,* April 20, 2022. See also International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930; International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959; Aaron Halegua and Katherine Zhang, "Opposing Forced Labor in Xinjiang," *USALI Perspectives 3,* no. 18 (February 28, 2023): 2–3.

[6] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, arts. 1, 25. As a signatory to the ILO Forced Labour Convention, China is required to prohibit the use of forced labor and make the use of forced labor "punishable as a penal offence."

[7] International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959, art. 1(a), (e). See also Phoebe Zhang, "China Ratifies Forced Labour Conventions Ahead of Visit by UN Rights Chief," *South China Morning Post,* April 21, 2022.

[8] International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012.

[9] International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012.

[10] One non-ILO metric that estimates the in-country prevalence of trafficking-related problems is Walk Free's 2023 Global Slavery Index. The Australia-based international human rights organization estimates that "5.8 million people were living in modern slavery in China on any given day in 2021." In Asia and the Pacific, eighteen countries have a higher "[e]stimated prevalence of modern slavery (per 1,000 of population)" than China, and eight countries have a lower estimated prevalence of modern slavery. Out of 160 countries globally, 108 countries have a higher estimated prevalence of modern slavery than China, and 51 countries have a lower estimated prevalence. In the context of its report on global slavery, Walk Free states that "modern slavery covers a set of specific legal concepts including forced labour, debt bondage, forced marriage, other slavery and slavery-like practices, and human trafficking." Walk Free,"Global Slavery Index/Country Study: Modern Slavery in China," accessed February 28, 2024; Walk Free, "Global Slavery Index," May 2023, 118; Walk Free,"Global Slavery Index: World Map," accessed February 28, 2024; Walk Free, "Global Slavery Index: Terminology," accessed February 28, 2024.

[11] For information on cross-border trafficking to and from China in previous reporting years, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 199; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 164; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 177; Congressional-Executive Commission on China, *2019 Annual Report* (Washington: November 18, 2019), 160.

[12] Marta Kasztelan, "'I Was Screaming for Help': Sold as Brides in China, Few Cambodian Women Escape Their Fate," *South China Morning Post,* August 21, 2022.

[13] Marta Kasztelan, "'I Was Screaming for Help': Sold as Brides in China, Few Cambodian Women Escape Their Fate,"*South China Morning Post,* August 21, 2022.

[14] Marta Kasztelan, "'I Was Screaming for Help': Sold as Brides in China, Few Cambodian Women Escape Their Fate,"*South China Morning Post,* August 21, 2022; Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times,* March 8, 2022.

[15] Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times,* March 8, 2022; Kelley E. Currie, John Cotton Richmond, and Samuel D. Brownback, "How China's 'Missing Women' Problem Fuels Trafficking, Forced Marriage," *South China Morning Post,* January 13, 2021.

[16] See, e.g., Al Jazeera, "Forced to Scam: Cambodia's Cyber Slaves" [Video file], YouTube, July 15, 2022; David Pierson, "'I Was a Slave': Up to 100,000 Held Captive by Chinese Cybercriminals in Cambodia," *Los Angeles Times,* November 1, 2022; "Cambodian Police Raid Alleged Cybercrime Trafficking Compounds," *Reuters,* September 21, 2022.

[17] Al Jazeera, "Forced to Scam: Cambodia's Cyber Slaves" [Video file], YouTube, July 15, 2022; David Pierson, "'I Was a Slave': Up to 100,000 Held Captive by Chinese Cybercriminals in Cambodia," *Los Angeles Times,* November 1, 2022.

[18] Al Jazeera, "Forced to Scam: Cambodia's Cyber Slaves" [Video file], YouTube, July 15, 2022; David Pierson, "'I Was a Slave': Up to 100,000 Held Captive by Chinese Cybercriminals in Cambodia," *Los Angeles Times,* November 1, 2022.

[19] China Labor Watch, "The Aftermath of the Belt and Road Initiative: Human Trafficking in Cambodia," August 19, 2022; Tessa Wong, Bui Thu, and Lok Lee, "Cambodia Scams: Lured and Trapped into Slavery in South East Asia," *BBC,* September 21, 2022.

[20] China Labor Watch, "The Aftermath of the Belt and Road Initiative: Human Trafficking in Cambodia," August 19, 2022.

[21] Han Chen, "Report: Chinese Workers Overseas Trapped in State-Backed Projects," *Axios*, November 29, 2022; China Labor Watch, "Trapped: The Belt and Road Initiative's Chinese Workers," November 2022, 31–34, 45–47, 50–51, 57, 59, 64, 65, 83–86; International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012.

[22] China Labor Watch, "Trapped: The Belt and Road Initiative's Chinese Workers," November 2022, 45–47, 50–51, 64–65, 75–76, 83–84.

[23] U.S. Department of the Treasury, "Treasury Targets Serious Human Rights Abuse aboard Distant Water Fishing Vessels Based in the People's Republic of China," December 9, 2022. In May 2021, U.S. Customs and Border Protection (CBP) issued a Withhold Release Order requiring "CBP personnel at all U.S. ports of entry to begin detaining tuna, swordfish, and other seafood harvested by vessels owned or operated by the Dalian Ocean Fishing Co., Ltd." U.S. Customs and Border Protection, "CBP Issues Withhold Release Order on Chinese Fishing Fleet," May 28, 2021. In April 2023, NASDAQ delisted Chinese fishing company Pingtan Marine. NASDAQ, "Delisting of Securities of Pingtan Marine Enterprise Ltd.; SRAX, Inc.; SVB Financial Group; Signature Bank; Codiak BioSciences, Inc.; PLx Pharma Inc.; Virgin Orbit Holdings, Inc.; Kalera Public Limited Company; Pear Therapeutics, Inc.; and Intelligent Med," April 28, 2023.

[24] In addition to Dalian Ocean Fishing and Pingtan Marine, a 2021 report by Greenpeace and Serikat Buruh Migran Indonesia found evidence that the crews of 15 Chinese companies subjected Indonesian crewmembers to forced labor. The companies are China Aquatic Products, CNFC Overseas Fishery, Fujian Pingtan County Ocean, Guangdong Zhanhai Pelagic, Haimen Changtai Pelagic, Ocean Star Fujian Pelagic Fish, Rizhao Jingchang Fishery, Shandong Lanyue Sea-Fishing, Shandong Lidao Oceanic, Shandong Shawodao Ocean Fishery Co., Ltd, Zhangzhou Wushui Ocean Fishing, Zhejiang Hairong Ocean, Zhoushan Hongrun Ocean, Zhoushan Mingxiang Marine Fish, Zhoushan Ningtai Ocean Fish, and Zhoushan Xinhai Fishery Co. Ltd. Greenpeace and Serikat Buruh Migran Indonesia, "Forced Labour at Sea: The Case of Indonesian Migrant Fishers" May 31, 2021, 8–9, 14–21; Karen McVeigh and Febriana Firdaus, 'Hold On Brother': Final Days of Doomed Crew on Chinese Shark Finning Boat," *Guardian,* July 7, 2020; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 165.

[25] Anna Wheeler, C4ADS, "NASDAQ Delists Pingtan Marine Enterprise Ltd," May 9, 2023.

[26] U.S. Department of the Treasury, "Treasury Targets Serious Human Rights Abuse aboard Distant Water Fishing Vessels Based in the People's Republic of China," December 9, 2022.

[27] Mark Godfrey, "China's Coastal Cities Competing for Distant-Water Catch with Generous Subsidies," *SeafoodSource,* January 26, 2022; Sally Yozell and Amanda Shaver, Stimson Center, "Shining a Light: The Need for Transparency across Distant Water Fishing," November 1, 2019; Ian Urbina, "Subsidizing China's Fishing Fleet," Outlaw Ocean Project, accessed March 31, 2023; Organisation for Economic Co-operation and Development, "Fisheries Support Estimate," accessed March 31, 2023. For a case in which government officials promoted consumption of distant water catches, see Mark Godfrey, "China Promoting Consumption of Distant-Water Catch to Tame Inflation, Conserve Local Fisheries," *SeafoodSource,* February 2, 2023.

[28] According to the International Labour Organization, "[t]he term 'child labour' is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development." International Labour Organization, "What Is Child Labour," accessed April 4, 2023. See also International Labour Organization, ILO Convention (No. 182) Worst Forms of Child Labour, June 17, 1999, art. 3; International Labour Organization, ILO Recommendation (No. 190) Worst Forms of Child Labour, June 17, 1999 art. 3; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3.

[29] Cobalt is primarily used to create lithium-ion batteries, which are used in smartphones, computers, and electric vehicles. U.S. Department of Labor, "2022 List of Goods Produced by Child Labor or Forced Labor," September 2022, 45; United States Geological Survey, U.S. Department of the Interior, "Cobalt," January 2023; Jennifer Smith, "Devastating Photos of Cobalt Mines in Democratic Republic of Congo That Power Apple," *Daily Mail,* January 30, 2023.

[30] U.S. Department of Labor, "2022 List of Goods Produced by Child Labor or Forced Labor," September 2022, 45; Zelda Caldwell, "Testimony: China-Backed Cobalt Mines in Congo Exploit 40,000 Child Workers," *Catholic News Agency,* July 16, 2022; Pete Pattisson, "'Like Slave and Master': DRC Miners Toil for 30p an Hour to Fuel Electric Cars," *Guardian,* November 8, 2021.
[31] Alan Neuhauser, "EVs Will Continue to Run on Child Labor," *Axios,* July 12, 2022; United States Geological Survey, U.S. Department of the Interior, "Cobalt," January 2023. See also Luiza Ch. Savage, "How America Got Outmaneuvered in a Critical Mining Race," *Politico,* December 2, 2020.
[32] Office of the U.N. High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, HR/PUB/11/04, June 16, 2011, principle 13.
[33] Cobalt Institute, "Cobalt Market Report 2022," May 2023, 3, 39, 40.
[34] United States Geological Survey, U.S. Department of the Interior, "Cobalt," January 2023.
[35] Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 199–201.
[36] "27,600 Criminal Suspects Arrested in N. China's Hebei during 100-Day Crackdown on Crimes Threatening Social Security: Ministry of Public Security," *Global Times,* September 1, 2022.
[37] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240. The PRC Criminal Law defines trafficking as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling [the victim]." The illegal sale of children for adoption thus can be considered trafficking under Chinese law. In contrast, under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also U.N. General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (Travaux Préparatoires) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, November 3, 2000, para. 66.
[38] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023; CCTV (@yangshiwang), "16 sui taohun shaonü bei song hui, wangyou que zai danxin . . . " [16-year-old girl who escaped from marriage sent back home, but netizens are still concerned], WeChat post, February 20, 2023, 8:07 p.m.
[39] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023.
[40] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023; CCTV (@yangshiwang), "16 sui taohun shaonü bei song hui, wangyou que zai danxin . . . " [16-year-old girl who escaped from marriage sent back home, but netizens are still concerned], WeChat post, February 20, 2023, 8:07 p.m.
[41] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023.
[42] "A Court in East China Sentences 6 Criminals to 8–13 Ys in Prison for the Controversial and Tragic Case of Fengxian Chained Woman," *Global Times,* April 7, 2023.
[43] "A Court in East China Sentences 6 Criminals to 8–13 Ys in Prison for the Controversial and Tragic Case of Fengxian Chained Woman," *Global Times,* April 7, 2023.
[44] "A Court in East China Sentences 6 Criminals to 8–13 Ys in Prison for the Controversial and Tragic Case of Fengxian Chained Woman," *Global Times,* April 7, 2023; Liyan Qi, "In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry," *Wall Street Journal,* February 1, 2022.
[45] Vivian Wang and Joy Dong, "Sentencing in China's 'Chained Woman' Trafficking Case Revives Online Outrage," *New York Times,* April 7, 2023.
[46] Yitong Wu and Chingman, "Chinese Court Jails Six People for Abuse and Trafficking in Chained Woman Case," *Radio Free Asia,* April 7, 2023; Vivian Wang and Joy Dong, "Sentencing in China's 'Chained Woman' Trafficking Case Revives Online Outrage," *New York Times,* April 7, 2023; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 174, 200–201, 231–32.
[47] For information on human trafficking in Hong Kong from previous reporting years, see Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2020), 168; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 180; Congressional-Executive Commission on China, *2019 Annual Report* (Washington: November 18, 2019), 164; Congressional-Executive Commission on China, *2018 Annual Report* (Washington: October 10, 2018), 181–82; Congressional-Executive Commission on China, *2017 Annual Report* (Washington: October 5, 2017), 189–90; Congressional-Executive Commission on China, *2016 Annual Report* (Washington: October 6, 2016), 189–90.
[48] Immigration Department, Hong Kong Special Administrative Region Government, "Employment Contract for a Domestic Helper Recruited from Outside Hong Kong," November 2016, item 3.
[49] Immigration Department, Hong Kong Special Administrative Region Government, "Cong waiguo shoupin lai Gang jiating yonggong qianzheng/yanchang douliu qixian shenqing biao" [Visa/Extension of stay application form for domestic helpers coming to Hong Kong from abroad], May 2023, sec. 6(ii).
[50] Stop Trafficking of People, Branches of Hope, "Pathway to Justice or a Road to Nowhere: Trafficked Migrants' Experience of Seeking Justice in Hong Kong," May 2023; Peter Yeung, "'Tools More than Humans': HK Domestic Workers Fight for Rights," *Al Jazeera,* May 1, 2013.

[51] U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th Session (27 July 2022), CCPR/C/CHN-HKG/CO/4, November 11, 2022, art. 31; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, art. 111. In March 2023, the U.N. Committee on Economic, Social and Cultural Rights recommended the Hong Kong government "amend the two-weeks rule and the live-in requirement" to enable MDWs to enjoy their full rights.

[52] For more information on Lee Ming-cheh, see the Commission's Political Prisoner Database record 2017-00248.

[53] For more information on Cheng Yuan, see the Commission's Political Prisoner Database record 2019-00300.

[54] Ben Blanchard, "Freed Taiwanese Activist Lee Ming-Che Says He Was Subjected to Forced Labour in Mainland Jail but Was Not Tortured," *Reuters,* May 10, 2022; Mindy Shi Minglei, "Milwaukee Tool: STOP Using Chinese Prisoners of Conscience as Slave Labor," Change.org, accessed April 6, 2023.

[55] Rui Di, "Tai NGO huodong renshi Li Mingzhe Zhongguo dalu wu nian xingman fanhui Taiwan" [Taiwan NGO activist Lee Ming-cheh returns to Taiwan after completing five-year sentence in mainland China], *Radio France Internationale,* April 15, 2022; Bochen Han, "Chinese Rights: Ex-NBA Player Enes Kanter Freedom and Wife of Jailed Activist Cheng Yuan Speak on US 'Corporate Complicity,'" *South China Morning Post,* July 13, 2023.

[56] Zhen Wang, "Chinese Prisoners Say Forced Labor Has Been Used to Manufacture Milwaukee Tool Gloves," *Wisconsin Watch,* May 10, 2023; Mindy Shi Minglei, "Milwaukee Tool: STOP Using Chinese Prisoners of Conscience as Slave Labor," Change.org, accessed April 6, 2023. See also Tariff Act of 1930, 19 U.S.C. §1307.

[57] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, art. 2.1, 2.2(c); International Labour Organization, "Ratifications of CO29—Forced Labour Convention, 1930 (No. 29)," accessed January 20, 2023. Article 2.1 defines forced or compulsory labor as "all work or service" which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily. China ratified this Convention on August 12, 2022, and it will enter into force on August 12, 2023.

[58] Nectar Gan and Brett McKeehan, "China's Propaganda Machine Is Intensifying Its 'People's War' to Catch American Spies," *CNN,* October 18, 2021; Office of the U.N. High Commissioner for Human Rights, "UN Human Rights Chief Says China's New Security Law Is Too Broad, Too Vague," July 7, 2015; Office of the U.N. High Commissioner for Human Rights, "China: Shock at Continued Crackdown on Human Rights Defenders and Lawyers—UN Expert," December 10, 2020. See also Human Rights Watch, "Xi Is Bending Chinese Law to His Will," November 30, 2021.

[59] "China Jails Taiwan Activist Lee Ming-Che for 'Subversion,'" *BBC,* November 28, 2017; International Federation for Human Rights, "China: Release Taiwanese Activist Li Ming-Che," March 19, 2020; Rights Defense Network, "Changsha Funeng gongyi an zhi Cheng Yuan bei panxing 5 nian youqi tuxing" [Cheng Yuan, of Changsha Funeng public interest case, sentenced to 5 years in prison], August 5, 2021; U.N. Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its Eighty-Seventh Session (27 April–1 May 2020), Opinion No. 11/2020 concerning Cheng Yuan, Liu Dazhi and Wu Gejianxiong (China), Advance Edited Version, A/HRC/WGAD/2020/11, June 5, 2020, paras. 3(b)(c)(e), 63. See also International Service for Human Rights,"UN Experts Analyse China's Abuse of National Security to Curtail Human Rights," January 27, 2022; Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 19; International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19.

[60] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 3, 5.1, 9.1; United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed June 10, 2023, art. 12.

[61] International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959, art. 1(a). In 2022, the National People's Congress Standing Committee ratified the ILO's Forced Labour Convention of 1930 and Abolition of Forced Labour Convention of 1957. International Labour Organization, "China Ratifies the Two ILO Fundamental Conventions on Forced Labour," August 12, 2022. The arbitrary arrest and detention of political prisoners also contravenes Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR), and Article 9 of the Universal Declaration of Human Rights (UDHR). International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed February 22, 2023; Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948.

[62] Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 200; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 166; Congressional-Executive Commission on China, *2019 Annual Report* (Washington: November 18, 2019), 89.

[63] Are Martin Holm et al., "International Society for Heart and Lung Transplantation Statement on Transplant Ethics," *Journal of Heart and Lung Transplantation* 41, no. 10 (October 2022): 1307–8.

[64] Are Martin Holm et al., "International Society for Heart and Lung Transplantation Statement on Transplant Ethics," *Journal of Heart and Lung Transplantation* 41, no. 10 (October 2022): 1307–8.

[65] Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation* 22, no. 7 (July 2022): 1809.

[66] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3.

[67] Laura T. Murphy et al., "Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region," Helena Kennedy Centre for International Justice, Sheffield Hallam University, December 2022, 9–10; "'To Make Us Slowly Disappear': The Chinese Government's Assault on the Uyghurs," Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum, November 2021, 38–39; Laura T. Murphy et al., "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Helena Kennedy Centre for International Justice, Sheffield Hallam University, November 2021; Shohret Hoshur, "Chinese Company Transfers Thousands of Uyghurs from Xinjiang to Nanjing," *Radio Free Asia,* November 13, 2021; Shohret Hoshur, "After 4 Years in Detention, Uyghur Brothers Forced to Work at Factories in Xinjiang," *Radio Free Asia,* January 12, 2022.

[68] PRC government-sponsored forced labor constitutes human trafficking under the Palermo Protocol, a crime against humanity under the Rome Statute, and contravenes China's obligations under the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the ILO's Forced Labour and Abolition of Forced Labour conventions. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d); Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7; Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 23. Article 23 states, "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment." International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 8; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed February 22, 2023; International Covenant on Economic, Social and Cultural Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 6; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed May 15, 2023; International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, arts. 1, 2, 25; International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959, art. 1.

[69] These bodies and experts included the U.N. Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Office of the U.N. High Commissioner for Human Rights; the International Labour Organization-affiliated Committee of Experts on the Application of Conventions and Recommendations; and the Committee on Economic, Social and Cultural Rights. U.N. Human Rights Council, Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, Tomoya Obokata, A/HRC/51/26, July 19, 2022, para. 23; Office of the U.N. High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China, August 31, 2022, paras. 121, 128; Office of the U.N. High Commissioner for Human Rights, "Xinjiang Report: China Must Address Grave Human Rights Violations and the World Must Not Turn a Blind Eye, Say UN Experts," September 7, 2022; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 50–51. See also Office of the U.N. High Commissioner for Human Rights, "Committee on Economic, Social and Cultural Rights Commends China for Efforts to Reduce Poverty, Asks about Measures to Protect Ethnic Minorities from Reported Forced Labour and the Coverage of the Social Welfare System," February 17, 2023.

[70] Office of the U.N. High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China, August 31, 2022, paras. 124–27; Office of the U.N. High Commissioner for Human Rights, "Xinjiang Report: China Must Address Grave Human Rights Violations and the World Must Not Turn a Blind Eye, Say UN Experts," September 7, 2022.

[71] Office of the U.N. High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China, August 31, 2022, para. 151(i); U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 50–51.

[72] Office of the U.N. High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China, August 31, 2022, paras. 124–27. See also International Labour Organization, Report of the Com-

mittee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 518, 520, 688–89.

[73] Office of the U.N. High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China, August 31, 2022, para. 128.

VII. Worker Rights

WORKER RIGHTS

Findings

- The U.N. committee that reviewed China's compliance with the International Covenant on Economic, Social and Cultural Rights in February 2023 highlighted worker rights violations in China and called on the People's Republic of China (PRC) government to address unsafe working conditions; widespread discrimination against migrant workers; gender and ethnic discrimination; lack of protection for workers in the informal economy; and inadequate access to various employment-related benefits.
- Gender discrimination in the workplace in China was a focal issue this past year as PRC authorities aimed to strengthen the legal framework and guidelines on safeguarding women's rights in the workplace. Women are the primary victims of sexual harassment in the workplace in China, but access to legal relief is rare. In a case that epitomized China's emerging #MeToo movement, a former female intern at state media outlet China Central Television (CCTV) who brought a lawsuit against a male CCTV television host in 2018 for sexual harassment lost her final appeal in August 2022 based on what a court in Beijing municipality said was "not sufficient" evidence.
- China Labour Bulletin, a nongovernmental organization in Hong Kong, documented 830 strikes and other labor actions in 2022 on its Strike Map and 2,272 public requests on its Worker Assistance Helpline Map in 2022. More than 87 percent of these strikes and labor actions and nearly 90 percent of requests for assistance were related to wage arrears.
- Worker protests overlapped with frustration at the harsh and disproportionate measures imposed under China's zero-COVID policy and the economic impact of the pandemic after those measures were lifted. Protests in late October and November 2022 at Foxconn's factory campus in Zhengzhou municipality, Henan province—the largest assembly site of Apple iPhones in the world—demonstrated worker dissatisfaction with Foxconn's management of worker health and safety and deceptive recruitment promises.
- PRC authorities' suppression of worker representation and independent labor advocacy in China has left little space for workers to organize, express their grievances, or negotiate satisfactory remedies. In May 2023, a migrant workers' museum on the outskirts of Beijing municipality closed after 15 years due to its impending eviction.
- Changes to one of China's major health insurance programs led to street protests by thousands of retired workers in Guangzhou municipality, Guangdong province; Wuhan municipality, Hubei province; and Dalian municipality, Liaoning province. Authorities in Wuhan detained **Zhang Hai** and **Tong Menglan** for expressing support for the protesters.

Recommendations

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

- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of expression, freedom of association, collective bargaining, employment discrimination, occupational health and safety, and wage arrears. Support capacity-building programs that strengthen Chinese labor and legal aid organizations defending the rights of workers. Recognizing the challenges of safeguarding the rights of gig economy workers, convene exchanges to develop international standards on labor rights for workers in the digital platform economy, such as transparency in contractual labor relationships, data privacy, and dispute resolution, among others.
- Advocate for the immediate release or confirmation of the release of individuals detained for supporting workers and labor rights, such as **Xiao Gaosheng, Fang Ran, Wang Jianbing,** and **Zhang Hai.**
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party's role in collective bargaining and elections of trade union representatives, emphasizing that wage rates should be determined by free bargaining between labor and management.
- Whenever appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor nongovernmental organizations (NGOs) and domestic civil society groups from all participating countries to observe relevant government-to-government dialogues.
- Encourage compliance with fundamental International Labour Organization (ILO) conventions. Request that the ILO increase its monitoring of core labor standards in China, including freedom of association and the right to organize.

WORKER RIGHTS

Introduction

The Commission's 2023 reporting year overlapped with the final months of the People's Republic of China (PRC) government's coronavirus disease 2019 (COVID-19) pandemic control and prevention measures—known as the "zero-COVID" policy—and the abrupt end of most of those measures in December 2022.[1] The harsh and disproportionate implementation of the policy[2] and the lack of preparation for the consequences of the policy's end[3] contributed to worsening conditions for worker rights in China and exacerbated worker precarity.[4] Multiple worker protests during this past year were linked to frustrations with zero-COVID policy implementation[5] as well as to long-term problems in worker rights protections.[6] High rates of youth unemployment (ages 16 to 24) were reported this past year—19.3 percent in June 2022[7] and 20.4 percent in April 2023.[8] Chinese technology companies also laid off thousands of employees[9] due in part to the PRC government's regulatory crackdown on the technology sector.[10] Many employed in the platform economy—such as those doing courier and delivery work—worked excessively long hours, were vulnerable to work-related health hazards,[11] and were often without access to formal labor relationships that safeguard rights provided in Chinese labor law.[12] The PRC government encouraged workers over 60 years old who had already retired to return to active work in light of demographic changes to the population, but individuals in this age group are not adequately protected by labor law in China.[13]

Worker rights were a focal issue in February 2023 when a U.N. committee examined China's compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).[14] The ICESCR deals directly with the right to work in Articles 6 through 8, and includes standards of gender equality and non-discrimination in other articles that implicate workplace rights.[15] In a 2005 General Comment regarding Article 6 and other ICESCR provisions, the Committee on Economic, Social and Cultural Rights noted that "[t]he right to work is essential for realizing other human rights and forms an inseparable and inherent part of human dignity."[16] The committee's concerns during two review sessions and criticisms in subsequent concluding observations about the Chinese government's violations of worker rights under the ICESCR included the following highlights:[17]

- The lack of a right to form independent trade unions and limits on freedom of association;[18]
- Gender discrimination and sexual harassment of women in the workplace;[19]
- Discrimination against migrant workers, especially as a consequence of the household registration (*hukou*) system;[20]
- Discrimination against workers from ethnic minority groups, particularly in the use of forced labor;[21]
- Unpaid wages to workers, and precarious labor conditions and access to social security and pension schemes for workers engaged in informal work and platform labor;[22]

- Unsafe working conditions, intensified by the COVID-19 pandemic.[23]

The committee commended China's ratification of two International Labour Organization (ILO) forced labor conventions,[24] to which the PRC approved ratification in April 2022 and completed in August 2022.[25] Despite the PRC official delegation's denials of the existence of forced labor of Tibetans, Uyghurs, and other ethnic minority groups in China,[26] the committee urged the PRC government to "immediately dismantle all systems of forced labour in place, both private and public, including at the local level, and release all individuals subject to forced labour."[27] [For more information on forced labor in China, see Chapter 10—Human Trafficking, Chapter 14—Business and Human Rights, and Chapter 18—Xinjiang.]

Protecting the Rights of Women in the Workplace

Gender discrimination in the workplace remained a pervasive problem for women in China,[28] an issue that has been heightened by the PRC government's promotion of childbearing to counterbalance the aging population.[29] Employers reportedly have circumvented paying for maternity leave by not hiring female workers, subjecting pregnant women to harassment or firing them, and canceling business registrations to dissolve employment relationships.[30] A survey by a Chinese recruitment website found that 61.2 percent of women said they had been asked about their marriage or childbirth plans during job recruitment in 2022.[31] China Labour Bulletin (CLB), a nongovernmental organization in Hong Kong, recorded 14 cases in 2022 regarding pregnancy and maternity leave violations in China on its map of workers posting "calls-for-help" on social media[32]—11 involved a lack of payment of wages or provision of benefits during maternity leave, and 3 involved women who were penalized or fired due to their pregnancy or maternity leave.[33]

Women are the primary victims of sexual harassment in the workplace in China,[34] but they face multiple difficulties in bringing forward claims of sexual harassment, including a lack of reporting channels at the workplace,[35] fear of retaliation,[36] expensive and time-consuming judicial procedures, and feelings of shame.[37] In a case that epitomized China's emerging #MeToo movement,[38] a former female intern at the state media outlet China Central Television (CCTV) who brought a lawsuit against a male CCTV television host in 2018 for sexual harassment lost her final appeal in August 2022.[39] The appeals court in Beijing municipality found that the evidence she submitted was "not sufficient."[40] Until the recent legal changes to the PRC Civil Code[41] and the PRC Law on the Protection of Women's Rights and Interests,[42] sexual harassment in Chinese law was not clearly defined, and Chinese courts have not been willing to accept various forms of evidence.[43] Access to legal relief has been rare in cases where women brought workplace sexual harassment claims to court.[44] In a June 2022 study, researchers found only 133 instances of civil or administrative trials involving workplace sexual harassment between 2002 and 2020.[45] Judges reportedly referenced sexual harassment in 92 of

those cases, but sexual harassment victims won in only 4 cases from among 13 in which the victim was the plaintiff.[46] Moreover, figures cited by an ILO expert committee suggest that in China, as "alleged victims bear the burden of proof, only a small percentage of the lawsuits filed result in a [ruling against] the alleged perpetrator and rarely in compensation for the victim."[47] Women continued to turn to social media to make sexual harassment accusations.[48] In April and May 2023, about two dozen women posted online about sexual harassment they were subjected to by a prominent screenwriter.[49]

This past year, PRC authorities aimed to strengthen the legal framework on safeguarding women's rights in the workplace,[50] with amendments to the PRC Law on the Protection of Women's Rights and Interests, effective January 1, 2023,[51] a multi-agency guiding opinion that describes certain benefits for pregnant employees and those on maternity leave;[52] a variety of "model" legal cases;[53] and practical reference materials for employers.[54] Previously, experts have pointed to gaps between "how the law works in theory and the social reality rampant with gender inequalities has rendered most gender legislation in China merely guidelines instead of implementable laws."[55] But in an assessment of women's rights protection in China submitted to the U.N. Committee on the Elimination of Discrimination against Women, the Center for Human Rights at the state-affiliated China Academy of Social Sciences expressed confidence that newly issued "remedial measures," particularly those in the amended Law, will "deal with the problem of the lack of effectiveness of rights remedies."[56]

Worker Strikes and Protests

The PRC government does not publicly report on the number of worker strikes and protests, making it difficult to obtain comprehensive information on worker actions.[57] Official censorship of news outlets and social media,[58] the harassment and detention of citizen journalists and labor advocates,[59] and restrictions on foreign journalists (heightened during the COVID-19 pandemic),[60] limited access to information about labor unrest in China. PRC law does not explicitly prohibit Chinese workers from striking.[61] In some instances, authorities have prosecuted such activity as a disturbance of public order under Chinese criminal law.[62]

WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR BASED ON CHINA LABOUR BULLETIN'S (CLB) STRIKE MAP[63]

Year	Manufacturing	Construction	Transportation	Services	Other	Total number documented
2022	4.5% (37)	48% (399)	21.5% (179)	21% (174)	4.9% (41)	830
2021	6.0% (66)	38.4% (420)	33.6% (368)	14.4% (158)	7.5% (82)	1,094
2020	10.9% (87)	44.8% (358)	19.5% (156)	18% (144)	6.9% (55)	800
2019	13.8% (191)	42.8% (593)	12.3% (171)	23.0% (319)	8.0% (111)	1,385
2018	15.4% (263)	44.8% (764)	15.9% (272)	16.8% (286)	7.1% (121)	1,706

CLB documented 830 strikes and other labor actions in 2022.[64] CLB uses traditional media and social media reports to compile its data on worker actions, and acknowledges that it can document only a small percentage of all such activity given limits on information in China.[65] While the 2022 data shows a 24.1 percent decrease in labor actions from 2021,[66] CLB also documented 2,272 instances on its map of workers posting "calls-for-help" on social media in 2022.[67] More than 87 percent of strikes and worker actions from its "Strike Map"[68] and nearly 90 percent of the documented calls-for-assistance were related to wage arrears,[69] underscoring a long-term trend. In the first months of 2023, CLB also noted an uptick in protests among workers in the manufacturing sector, similarly linked to unpaid wages.[70]

THE ZERO-COVID POLICY AND ITS AFTERMATH

Many worker protests this past year involved frustration with measures imposed under the harsh zero-COVID policy and the economic impact of the pandemic after those measures were lifted. As one Chinese labor advocate observed, "Workers have been the most susceptible group under the pandemic, with both the immaterial threat of the virus and the material crisis in their livelihoods compelling them to protest."[71] The following examples illustrate a range of worker actions related to the zero-COVID policy:

- **Migrant workers in "urban villages."**[72] In Guangzhou municipality, Guangdong province, migrant workers living in "urban villages" primarily in the textile manufacturing hub of Haizhu district, protested food scarcity and lockdowns in mid- and late November 2022.[73] In addition, sources reported that hundreds of workers had been released from quarantine facilities, but the "urban villages" in the area were blocked off, leaving some workers unhoused and without food.[74]
- **Medical students.** With Chinese hospitals overburdened as a result of the discontinued zero-COVID policy,[75] medical students voiced concerns during protests in December 2022 about equal pay for equal work, inadequate pandemic protective

measures at hospitals, and maintaining scheduled holiday leave.[76]

- **Factory workers.** In January 2023, protests at several factories throughout the country that had produced COVID-19 testing materials erupted as factories were shut down following the end of the zero-COVID policy, with workers left unpaid.[77] Many of the workers were hired as "dispatch" labor, through third-party recruiting agents, a form of labor that has allowed employers to avoid paying workers under legal loopholes.[78]
- **Public sector workers.** In December 2022, former COVID-19 public workers—often referred to as "big whites" *(da bai)* for the white hazmat suits they wore—held protests in multiple locations related to wage arrears.[79]

Protests at Foxconn's "iPhone City"[80] in October and November 2022

Protests in late October and November 2022 at Foxconn's factory complex in Zhengzhou municipality, Henan province, reflected worker dissatisfaction with Foxconn's management of worker health and safety, and misleading recruitment promises. As the largest manufacturing base of Apple iPhones in the world, Foxconn's Zhengzhou plant is staffed by an estimated 200,000 workers,[81] with a reported capacity for 300,000.[82] In October 2022, as COVID-19 cases were rising in Zhengzhou and some parts of the city went into lockdown,[83] some Foxconn workers tested positive for COVID-19 despite the "closed-loop" arrangement—in which employees stayed on the factory campus, moving between factory workshops and on-site dormitories—instituted by Foxconn to prevent the spread of infection and maintain production.[84] Foxconn reportedly was not prepared for the COVID-19 outbreak in Zhengzhou and did not provide adequate medical treatment, food, or hygienic conditions for workers who were quarantined for testing positive.[85] Without access to credible information about conditions, workers feared falling ill from the proximity of COVID-19-positive employees, and protested in October by leaving in the hundreds and possibly thousands, including by climbing over fences.[86]

Protests at Foxconn's "iPhone City"[80] in October and November 2022—Continued

Foxconn worked to boost recruitment of seasonal workers with promises of higher wages and bonuses after the October protests.[87] Some of these workers were recruited by recruiting agents at companies as well as by local officials in Henan.[88] Employing an excessive percentage of temporary seasonal workers, a cohort who are not provided full employment benefits,[89] was previously documented as a labor rights violation at Apple's Foxconn sites in China.[90] In late November, protests broke out when seasonal workers reportedly learned that they would only be eligible for the higher wage and bonuses they had been promised during recruitment outreach if they worked two additional months.[91] Thousands of workers participated in the November protests, and video shared on social media showed scenes of violence, including workers smashing surveillance cameras[92] and public security officials beating workers.[93] Apple reportedly sent staff to the Zhengzhou facility in November to work with Foxconn managers to respond to workers' concerns.[94] Foxconn subsequently offered cash payouts to workers to quit and depart the site, and promised a larger bonus to those willing to stay through January 2023.[95] A source told Reuters that 20,000 workers described as "new hires" left the Zhengzhou Foxconn complex in connection to the November protests.[96] Foxconn again raised wages and bonuses at the Zhengzhou facility for a recruitment push in May 2023.[97]

Advocating for Worker Rights

CONTINUED SUPPRESSION OF LABOR ADVOCACY AND CIVIL SOCIETY

Labor unrest this past year spotlights the need for robust rights protection of workers, but PRC authorities' suppression of worker representation and independent labor advocacy has left little space for workers to organize, express their grievances, or negotiate satisfactory remedies.[98] Reflecting on multiple detentions of labor advocates since 2015 and the closure of labor nongovernmental organizations (NGOs) in 2018 and 2019, a former labor advocate in China described current conditions for worker rights in China as "slow-burn repression."[99] In May 2023, a migrant workers' museum on the outskirts of Beijing municipality—a hub of migrant workers' nongovernmental space—closed after 15 years due to its impending eviction.[100] The Commission continued to monitor cases of detained labor advocates, such as **Xiao Gaosheng** (also known as **Xiao Qingshan**) whom authorities sentenced to four years and six months in prison in March 2023,[101] and **Fang Ran** and **Wang Jianbing,** both of whom authorities held in pretrial custody since detaining them in August 2021[102] and September 2021,[103] respectively.

THE PARTY'S "BRIDGE" TO WORKERS: THE ALL-CHINA FEDERATION OF TRADE UNIONS

Chinese law violates international worker rights standards with regard to the right to organize independent trade unions and engage in collective bargaining.[104] The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) is the only trade union organization permitted to represent worker rights.[105] Categorized as a "mass organization," the ACFTU acts as an intermediary organization between the Party and workers,[106] and is required to adhere to the leadership of the Party.[107] The ACFTU has been criticized for not effectively representing workers' rights to employers[108] and aligning itself with enterprise management rather than workers.[109] In recent years, PRC leader Xi Jinping tasked the ACFTU with institutional reform[110] and greater ideological discipline, the latter of which includes vigilance against "hostile forces' interference in rights protection" activities and the creation of independent or grassroots trade unions, according to an article in the Party's official theoretical journal Seeking Truth (*Qiushi*).[111] Although two labor experts from CLB reported that the ACFTU has made some progress in expanding unionization to gig- and tech-sector workers this past year,[112] another expert observed that the ACFTU has not developed institutional channels to effectively handle labor disputes in these new employment sectors.[113]

Selected Issues in Chinese Labor Rights

RETIRED WORKERS PROTEST CHANGES TO HEALTH INSURANCE

Retired workers protested in the streets in the thousands this past year in opposition to the PRC government's policy change to Urban Workers' Basic Health Insurance, one of China's two health insurance schemes.[114] Reported protests took place in Guangzhou municipality, Guangdong province (two in late December 2022 and one in early January 2023);[115] in Wuhan municipality, Hubei province, on February 8, 2023,[116] and February 15, 2023;[117] and in Dalian municipality, Liaoning province, on February 15, 2023.[118] The policy change authorized local municipal governments to reduce the amount of money provided each month to workers' personal health insurance accounts and increase amounts to larger pooled accounts that are meant to support more expensive healthcare costs.[119] Retired workers, who primarily used the funds in their personal accounts for medicine and outpatient services, expressed concern that they would no longer be able to pay at a time when costs were increasing.[120] An article in the Economic Daily, an official media outlet, called for a "rational" perspective on the policy change following the protests, claiming that those insured could anticipate long-term benefits as the health insurance system improves over time.[121] But with municipal government pooled accounts depleted due to pandemic prevention costs,[122] one expert envisioned difficulties in meeting retired workers' health needs, among other public goods.[123] While the Commission did not observe a widespread crackdown following the protests, Wuhan public security authorities reportedly investigated participants and de-

tained at least five individuals who publicly supported the protesters in Wuhan,[124] including **Zhang Hai**[125] and **Tong Menglan.**[126] Authorities previously had targeted Zhang for his advocacy on behalf of COVID-19 victims in China,[127] following his father's death from COVID-19 in February 2020, in Wuhan.[128]

WORKER SAFETY AND INDUSTRIAL ACCIDENTS

Official reports do not provide an accurate or comprehensive picture of workplace accidents or ongoing challenges to workplace safety in China.[129] The head of the Ministry of Emergency Management (MEM)—an agency that is responsible for oversight of worker safety—asserted in March 2023 that workplace accidents had decreased by 46.9 percent based on 2017 levels, though no actual numbers were mentioned in the People's Daily report on his comments.[130] Government data showed a continued decline in workplace deaths.[131] According to the National Bureau of Statistics of China (NBS), 20,963 people died in workplace accidents in 2022,[132] compared to 26,307 deaths in 2021.[133] Lacking disaggregated data from the NBS, it is unclear whether this statistic includes data from the service sector, such as delivery drivers, or from deaths linked to construction.[134] False reporting and underreporting obscures the truth about workplace accidents: in one such case this past year, local officials in Qianxi county, Tangshan municipality, Hebei province, reported two "missing" workers, resulting from the flooding of an iron ore mine in September 2022.[135] It was later discovered that at least 14 miners had died and that the local officials attempted to avoid a provincial-level investigation of the incident, which would be triggered by a higher number of reported deaths.[136]

The Commission monitored several deadly fires and coal mine accidents in China this past year, including the following:

- **Fires.** A November 2022 fire at a textile workshop located in an industrial district in Anyang municipality, Henan province, caused the death of 38 people, most of whom were described as elderly women, making it the worst workplace fire in China in a decade, according to China Labour Bulletin (CLB).[137] A spark from the unlicensed use of a welding machine reportedly ignited flammable cotton wool floating in the air of the first floor of a two-story building, with the textile workshop on the second floor.[138] Experts quoted in the Party's English-language outlet Global Times emphasized that businesses should prioritize emergency escape plans and awareness.[139] At a May 2023 press conference, an MEM official confirmed that a welding machine was the source of the fire.[140] At the same MEM press conference, the official indicated that illegal welding had caused fatal fires[141] at a storage facility in Cangzhou municipality, Hebei, in March 2023, that killed 11 people,[142] and at a factory in Wuyi county, Jinhua municipality, Zhejiang province, in April 2023, that had caused the deaths of 11 people.[143] A fire at a private hospital in Beijing municipality in April 2023 killed 29 elderly patients and staff, and injured 39, and reportedly was the deadliest fire in two decades in Beijing.[144] At a June 2023 press conference, the po-

litical commissar (*zhengwei*) of the National Fire and Rescue Administration[145] reported that many of the deadly fires that took place in the past year were linked to illegal electric welding and construction, and safety oversight failures of leased workshop spaces.[146]

• **Coal mine accidents.** The number of coal mine accidents in China reportedly has nearly doubled, with 168 accidents in 2022 compared to 91 accidents in 2021, according to official data from the National Mine Safety Administration (NMSA).[147] NMSA also reported 245 deaths in 2022—the highest number in six years.[148] The increase in coal mine-related deaths is concurrent with the PRC government's expansion of coal mining in China in 2022, estimated to have increased by the equivalent of two new coal mines each week in 2022.[149] Reported accidents included a mine collapse in Gansu province in July 2022, which resulted in the death of 10 and 7 injured;[150] an open-pit mine collapse in the Inner Mongolia Autonomous Region in February 2023, which resulted in 53 reported dead or missing;[151] and a landslide at a mine near Leshan municipality, Sichuan province, in June 2023, which reportedly killed 19.[152] Other coal mine accidents with reported deaths this past year took place in Shanxi province[153] and Guizhou province.[154] CLB observed that the PRC government's response to coal mine disasters is reactive, following "a familiar pattern in China of a repeating cycle of serious workplace accidents, dramatic rescues, and investigations that ultimately fail to prevent the next accident."[155]

Notes to Chapter 11—Worker Rights

[1] Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press*, March 24, 2023; Yanzhong Huang, "China's Hidden COVID Catastrophe," *Foreign Affairs,* February 16, 2023.

[2] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 82–83; Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press*, March 24, 2023; Yanzhong Huang, "China's Hidden COVID Catastrophe," *Foreign Affairs,* February 16, 2023.

[3] Minxin Pei, "The Sudden End of Zero-COVID: An Investigation," *China Leadership Monitor 75* (Spring 2023), March 1, 2023.

[4] Zuo Yue, "Why Were the White Paper Protests Comprised of Three Movements? Understanding the Revolutionary Features and Limitations of the Anti-Lockdown Protest Wave," *Matters*, January 3, 2023, translated and reprinted in *Chuang* (blog), January 20, 2023; Anasua Bhattacharya and Tapas Ray, "Precarious Work, Job Stress, and Health-related Quality of Life," *NIOSH Science Blog,* Centers for Disease Control and Prevention, August 9, 2022; Chris Kingchi Chan, Eric Florence, and Jack Qiu, "Editorial—Precarity, Platforms, and Agency: The Multiplication of Chinese Labour," *China Perspectives* 2021, no. 1.

[5] Freedom House, "China Dissent Monitor 2022," Issue 2 (October—December 2022)," February 14, 2023.

[6] Freedom House, "China Dissent Monitor 2023," Issue 3 (January—March 2023)," May 31, 2023.

[7] Daisuke Wakabayashi, "China's Economy Hits a Slump as COVID Policy Takes a Toll," *New York Times,* July 15, 2022.

[8] Robin Wigglesworth, "The Chinese Youth Unemployment Phenomenon," *Financial Times*, May 24, 2023. See also "China Has a Youth Unemployment Problem; Guangdong Province Spearheads a Plan to Send 300,000 Youth to the Countryside by the End of 2025," *China Change,* April 7, 2023.

[9] Tracy Qu and Iris Deng, "China's Big Tech Not Yet Done with Lay-offs as 2022 Nears Its End," *South China Morning Post,* December 8, 2022.

[10] Kevin Lin, "Dwindling Economic Opportunities for China's Youth Fuels Discontent," *News Lens,* December 9, 2022.

[11] See, e.g., Li Jianan, "Waimai qishou shenye songcan tuzhong cudao songyi, pingtai reng dui qi liang bi dai song dingdan kou kuan" [Food delivery man collapsed while making a late-night delivery and was sent to the hospital, but the platform still deducted money from his two pending orders], *Paper*, April 15, 2023; "Delivery Workers, Trapped in the System," *Renwu*, September 8, 2020, translated and reprinted in *Chuang* (blog), November 12, 2020.

[12] Li Lei, "Revised Labor Rules Sought as Gig Work Rises," *China Daily,* April 4, 2023; China Labour Bulletin, "The Platform Economy," April 21, 2023.

[13] Lo Hoi-ying, "China Population: Re-employment of Elderly an 'Urgent, Realistic Problem to Be Solved,'" *South China Morning Post,* May 30, 2023.

[14] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed June 8, 2023. China signed and ratified the ICESCR on October 27, 1997, and March 27, 2001, respectively. U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th Meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023; U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 7th Meeting (February 16, 2023), E/C.12/2023/SR.7, February 23, 2023.

[15] International Covenant on Economic, Social and Cultural Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, arts. 2(2), 3–9, 10(2–3); U.N. Economic and Social Council, "The Right to Work, General Comment No. 18, Article 6 of the International Covenant on Economic, Social and Cultural Rights," adopted on November 24, 2005, E/C.12/GC/186, February 2006.

[16] U.N. Committee on Economic, Social, and Cultural Rights, General Comment No. 18, Article 6 of the International Covenant on Economic, Social and Cultural Rights: The Right to Work, adopted on November 24, 2005, E/C.12/GC/186, February 2006, para. 1.

[17] International Service for Human Rights et al., "UN Committee Lambasts China for Trampling Economic, Social and Cultural Rights at Home and Abroad," March 7, 2023.

[18] U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023, para. 52; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 55–57.

[19] U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023, paras. 19, 46; U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 7th Meeting (February 16, 2023), E/C.12/2023/SR.7, February 23, 2023, para. 5; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 7–8, 33–34, 43–44, 52–53.

[20] U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023, paras. 19,

46, 50, 81; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 37–38, 64–67, 72–73.

[21] U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th Meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023, paras. 42–45, 55; U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary record of the 7th meeting (February 16, 2023), E/C.12/2023/SR.7, February 23, 2023, paras. 5–7, 52; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 7–8, 35–36, 50–51, 65.

[22] U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023, paras. 39, 46, 50, 55; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 52–54, 58–67.

[23] U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023, paras. 48–49, 82; U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 7th Meeting (February 16, 2023), E/C.12/2023/SR.7, February 23, 2023, paras. 5–6, 33; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 52–53, 78–79, 82–83.

[24] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, para. 3(a).

[25] Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland, "China Deposits the Instruments of Ratification of Two ILO Forced Labour Conventions," August 12, 2022.

[26] U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 5th Meeting (February 15, 2023), E/C.12/2023/SR.5, February 23, 2023, paras. 70–72. See also U.N. Committee on Economic, Social and Cultural Rights, Seventy-third Session, Summary Record of the 7th Meeting (February 16, 2023), E/C.12/2023/SR.7, February 23, 2023, para. 52.

[27] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 50–51.

[28] China Labour Bulletin, "Workplace Discrimination," July 7, 2020.

[29] Feng Haining, "Pojie zhichang yinxing xingbie qishi yao you 'xinzhao mengzhao'" [Breaking through hidden gender discrimination in the workplace will require "new and fierce tactics"], *Yangcheng Evening News*, reprinted in *China Economic Net*, February 15, 2023; Jessica Bahr, "China Says It Has Revamped Women's Safety Legislation. What Could Change for Chinese Women?," *SBS News,* October 31, 2022; Liu Yuanju, "20 cuoshi ciji shengyu renmen fanying lengdan, yinwei shehui hai zai 'chengfa shengyu'" [Lukewarm response to 20 measures to encourage childbirth, because society still "punishes giving birth"], *Phoenix New Media,* August 18, 2022.

[30] Zilan Qian, "Pregnancy Discrimination in the Workplace: Three Major Problems Faced by Chinese Female Workers," *What's on Weibo,* March 21, 2023.

[31] Zhao Li, "Nüxing qiuzhi bei wen shifou yuanyi 3 nian bu shengwa" [Female jobseekers are asked if they are willing to wait three years until having a baby], *Legal Daily,* February 14, 2023.

[32] China Labour Bulletin, "An Introduction to China Labour Bulletin's Workers' Calls-for-Help Map," November 26, 2020.

[33] China Labour Bulletin, "Workers' Calls-for-Help Map," data for January 1, 2022, through December 31, 2022, accessed July 6, 2023.

[34] Wang Qian and Yu Shulin, "Zhichang xing saorao de jiuji kunjing ji caipan chulu—jiyu sifa anli de fenxi" [Workplace sexual harassment's legal relief dilemma and adjudication channels—an analysis based on judicial cases], *Human Rights,* no. 2 (2022), June 30, 2022.

[35] Lu Yue, "Jinqi shijian yin guanzhu qiye xu goujian fangfan zhichang xing saorao zhidu" [Recent incidents have attracted attention, enterprises must establish system to prevent sexual harassment in the workplace], *Workers Daily,* reprinted in *China News,* August 19, 2021.

[36] Feng Huamei and Wang Xintong, "In Workplace Harassment Cases, China Gives Women's Voices More Weight, Experts Say," *Caixin,* March 14, 2023; Wang Qian and Yu Shulin, "Zhichang xing saorao de jiuji kunjing ji caipan chulu—jiyu sifa anli de fenxi" [Workplace sexual harassment's legal relief dilemma and adjudication channels—an analysis based on judicial cases], *Human Rights,* no. 2 (2022), June 30, 2022.

[37] Yuanzhong Family and Community Development Service Center, "Yuanzhong pinglun—Ye kan Shi Mou she xing saorao shijian" [Yuanzhong opinion—See also Shi Mou's suspected incidents of sexual harassment], May 4, 2023.

[38] Guo Rui, "'A Bed of Nails': China's #MeToo Accusers Crushed by Burden of Proof and Counterclaims," *South China Morning Post,* February 2, 2022.

[39] Nectar Gan, "China's Leading #MeToo Figure Loses Appeal in Sexual Harassment Case against Star TV Host," *CNN,* August 11, 2022.

[40] Nectar Gan, "China's Leading #MeToo Figure Loses Appeal in Sexual Harassment Case against Star TV Host," *CNN,* August 11, 2022.
[41] *Zhonghua Renmin Gongheguo Minfa Dian* [PRC Civil Code], passed May 28, 2020, effective January 1, 2021, art. 1010.
[42] *Zhonghua Renmin Gongheguo Funü Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended October 30, 2022, effective January 1, 2023, art. 23.
[43] Wang Qian and Yu Shulin, "Zhichang xing saorao de jiuji kunjing ji caipan chulu—jiyu sifa anli de fenxi" [Workplace sexual harassment's legal relief dilemma and adjudication channels—an analysis based on judicial cases], *Human Rights,* no. 2 (2022), June 30, 2022.
[44] Wang Qian and Yu Shulin, "Zhichang xing saorao de jiuji kunjing ji caipan chulu—jiyu sifa anli de fenxi" [Workplace sexual harassment's legal relief dilemma and adjudication channels—an analysis based on judicial cases], *Human Rights,* no. 2 (2022), June 30, 2022.
[45] Wang Qian and Yu Shulin, "Zhichang xing saorao de jiuji kunjing ji caipan chulu—jiyu sifa anli de fenxi" [Workplace sexual harassment's legal relief dilemma and adjudication channels—an analysis based on judicial cases], *Human Rights,* no. 2 (2022), June 30, 2022.
[46] Wang Qian and Yu Shulin, "Zhichang xing saorao de jiuji kunjing ji caipan chulu—jiyu sifa anli de fenxi" [Workplace sexual harassment's legal relief dilemma and adjudication channels—an analysis based on judicial cases], *Human Rights,* no. 2 (2022), June 30, 2022.
[47] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations X Application of International Labour Standards 2023, Report III (Part A), International Labour Conference, 111th Session, 2023, 609.
[48] Sara Liao and Rose Luqiu, "Four Years after #MeToo in China: Shrinking Digital Space for Change," *Diplomat,* September 9, 2022.
[49] Yang Caini, "A Dozen Women Accuse Another Chinese Literary Figure of Sexual Harassment," *Sixth Tone,* May 4, 2023; Cheng Qianqian, "Zhiming bianju Shi Hang bei duo ren zhikong xing saorao, women lianxi dao qizhong liang wei jiefazhe" [Famous screenwriter Shi Hang accused by multiple people of sexual harassment, we got in touch with two of the individuals who exposed [him]], *Paper,* April 30, 2023.
[50] Lin Feng, "Renmin reping: Qishi nüxing jiuye de waifeng xu shazhu" [Trending opinions from the people: employment discrimination against women is a harmful trend that must be stopped], *People's Daily,* February 14, 2023.
[51] *Zhonghua Renmin Gongheguo Funü Quanyi Baozhang Fa* [PRC Law on the Protection of Women's Rights and Interests], passed April 3, 1992, amended October 30, 2022, effective January 1, 2023, arts. 23, 77.
[52] Liu Yuanju, "20 cuoshi ciji shengyu renmen fanying lengdan, yinwei shehui hai zai 'chengfa shengyu'" [Lukewarm response to 20 measures to encourage childbirth, because society still "punishes giving birth"], *Phoenix New Media,* August 18, 2022; National Health Commission et al., *Guojia Weisheng Jiankangwei, Guojia Fazhan Gaigewei, Zhongyang Xuanchuanbu, Jiaoyubu, Minzhengbu, Caizhengbu, Renli Ziyuan Shehui Baozhangbu, Zhufang Chengxiang Jianshebu, Zhongguo Renmin Yinhang, Guowuyuan Guoziwei, Guojia Shuiwu Zongju, Guojia Yibaoju, Zhongguo Yinbao Jianhui, Quanguo Zonggonghui, Gongqingtuan Zhongyang, Quanguo Fulian, Zhongyang Junwei Houqin Baozhangbu, Guanyu Jinyibu Wanshan he Luoshi Jiji Shengyu Zhichi Cuoshi de Zhidao Yijian* [Guiding Opinions on Further Improving and Implementing Supportive Measures to Encourage Childbirth], July 25, 2022, secs. IV(8–9), VII(16–18). For an unofficial English translation of the Guiding Opinions, see "Guiding Opinions on Further Improving and Implementing Measures to Support Stimulation of Childbirth," translated in *China Law Translate*, August 16, 2022; Party Group of the Chinese Communist Party, National Health Commission, "Puxie xin shidai renkou gongzuo xin pianzhang" [Writing a new chapter on population work in the new era], *Qiushi,* no. 15 (August 1, 2022).
[53] Supreme People's Procuratorate (SPP), "Zuigaojian huitong Quanguo Fulian lianhe fabu funü quanyi baozhang jiancha gongyi susong dianxing anli: jujiao jiuye qishi, biansun renge deng qinhai funü quanyi qingxing, jiaqiang jingzhun jiandu he tebie baohu" [SPP and All-China Women's Federation jointly release prosecutorial public interest model cases safeguarding women's rights and interests: Focus on employment discrimination and derogatory harm of the person and other types of injury to women's rights and interests, and strengthen precise supervision and special protection], November 25, 2022; Liu Zhengning and Li Junbing, "Chongqing Yi Zhong Fayuan fabu funü quanyi baohu dianxing anli" [Chongqing No. 1 Intermediate Court releases model cases on the protection of women's rights and interests], *People's Daily,* March 2, 2023.
[54] Yan Jingjing, "Renshebu, Guojia Weijianwei, Zuigaojian deng lianhe fabu wenjian xiaochu gongzuo changsuo xing saorao zhidu wei 'ta' wennuan shouhu" [Ministry of Human Resources and Social Security, National Health Commission, SPP, and others jointly release documents to systematize the elimination of workplace sexual harassment, protecting "her" with warmth], Supreme People's Procuratorate, March 9, 2023; Feng Huamei and Wang Xintong, "In Workplace Harassment Cases, China Gives Women's Voices More Weight, Experts Say," *Caixin,* March 14, 2023.
[55] Xinhui Jiang and Yunyun Zhou, "Coalition-Based Gender Lobbying: Revisiting Women's Substantive Representation in China's Authoritarian Governance," *Politics & Gender* 18, no. 4 (December 2022): 983–4. See also Ethan Michelson, "Decoupling: Gender Injustice in China's Divorce Courts," Contemporary Chinese Society Lecture Series, Fairbank Center for Chinese Studies, Harvard University, February 1, 2022, 4:15; Chen Jun, "Zhongguo xin xiuding de Funü Quanyi Baozhang Fa de juti luoshi he jiandu mianlin tiaozhan" [Practical implementation and monitoring of China's newly revised Law on the Protection of Women's Rights and Interests encounters challenges], *Voice of America,* November 8, 2022.
[56] Center for Human Rights Studies, Chinese Academy of Social Sciences, "Progress Made by China in Judicial Remedies for Women's Rights and Suggestions on Improvement," April 2023, sec. II.

[57] See, e.g., China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," May 4, 2022.
[58] See, e.g., James Griffiths, "In a Rare Show of Weakness, China's Censors Struggled to Keep Up with Zero-COVID Protests," *Globe and Mail,* November 28, 2022; Gu Ting and Chingman, "China Falls Down Press Freedom Index as Asian Communist States Dominate Bottom Ranks," *Radio Free Asia,* May 3, 2023.
[59] See, e.g., Chun Han Wong, "A Dissident Escapes Xi Jinping's China and a Life 'Made Up of Lies,'" *Wall Street Journal,* October 12, 2022; Chun Han Wong, "'Their Goal Is to Make You Feel Helpless': In Xi's China, Little Room for Dissent," *Wall Street Journal,* November 27, 2020; Safeguard Defenders, "Trapped: China's Expanding Use of Exit Bans," April 2023, 21–22, 28; The Rights Practice, "China Must Protect the Rights of Detained Human Rights Defenders Huang Xueqin and Wang Jianbing," September 19, 2022; Wen, "The End of an Era: Labor Activism in Early 21st Century China," *Chuang* (blog), April 24, 2023. For more information, see the Commission's Political Prisoner Database records 2016-00177 on Lu Yuyu, 2016-00190 on Li Tingyu, and 2021-00517 on Wang Jianbing.
[60] Foreign Correspondents' Club of China, "Zero COVID, Many Controls: Covering China in 2022," March 1, 2023, 1, 2, 4.
[61] U.N. Committee on Economic, Cultural and Social Rights, Third Periodic Report Submitted by China under Articles 16 and 17 of the Covenant, E/C.12/CHN/3*, August 5, 2020, para. 77; U.N. Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, Second Periodic Reports Submitted by States Parties under Articles 16 and 17 of the Covenant—China, E/C.12/CHN/2, July 6, 2012, sec. 6 (Article 8, Trade union rights), para. 4.
[62] China Labour Bulletin, "Workers' Rights and Labour Relations in China," July 10, 2023; International Labour Organization, Interim Report—Report No 392: Case No. 3184 (China), Complaint date February 15, 2016, October 2020, para. 493; International Federation for Human Rights (FIDH) and China Labour Bulletin, "Joint Submission for the Adoption of the List of Issues, China, to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 7. See also International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8(1)(d)l; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed June 8, 2023. China signed and ratified the ICESCR on October 27, 1997, and March 27, 2001, respectively.
[63] China Labour Bulletin, "Strike Map," data for January 1, 2022, through December 31, 2022, accessed July 6, 2023.
[64] China Labour Bulletin, "Strike Map," data for January 1, 2022, through December 31, 2022, accessed July 6, 2023.
[65] See, e.g., China Labour Bulletin, "An Introduction to China Labour Bulletin's Strike Map," May 4, 2022.
[66] China Labour Bulletin, "Strike Map," data for January 1, 2022, through December 31, 2022, accessed July 6, 2023.
[67] China Labour Bulletin, "Workers Calls-for-Help Map," data for January 1, 2022, through December 31, 2022, accessed July 6, 2023.
[68] China Labour Bulletin, "China Labour Bulletin Strike Map Data Analysis: 2022 Year in Review for Workers' Rights," January 30, 2023.
[69] China Labour Bulletin, "Workers Calls-for-Help Map," data for January 1, 2022, through December 31, 2022, accessed July 6, 2023.
[70] China Labour Bulletin, "Surge of Manufacturing Protests in China Deserves International Attention," May 16, 2023.
[71] Zuo Yue, "Why Were the White Paper Protests Comprised of Three Movements? Understanding the Revolutionary Features and Limitations of the Anti-Lockdown Protest Wave," *Matters,* January 3, 2023, translated and reprinted in *Chuang* (blog), January 20, 2023.
[72] For background on "urban villages," see Nellie Chu, Ralph Litzinger, Mengzi Wang, and Qian Zhu, "Guest Editors' Introduction—The Urban In-Between," *Positions* 30, no. 3 (August 2022): 413–4.
[73] Primrose Riordan and Edward White, "Chinese City of Guangzhou Struggles to Rein in Record COVID Outbreak," *Financial Times,* November 17, 2022; Xinlu Liang, "Chinese Migrant Workers Protest amid COVID-19 Lockdowns in Guangzhou," *South China Morning Post,* November 15, 2022.
[74] Primrose Riordan and Edward White, "Chinese City of Guangzhou Struggles to Rein in Record COVID Outbreak," *Financial Times,* November 17, 2022; Xinlu Liang, "Chinese Migrant Workers Stranded in Guangzhou's COVID-19 Homeless Crisis," *South China Morning Post,* November 24, 2022.
[75] Martin Quin Pollard, "COVID Pressures China's Hospitals as Countries Mandate Tests for Travelers," *Reuters,* December 28, 2022.
[76] China Labour Bulletin, "Strike Map," data for January 1, 2022, through December 31, 2022, accessed July 6, 2023; "Yixueshengmen de kangzheng shike" [The moment of struggle for medical students], *Labor Bulletin (Gonglao Xiaobao),* December 14, 2022.
[77] Xiaoshan Huang and Gu Ting, "Angry Workers Clash with Police in Chongqing after Test-Kit Maker Fires Thousands," *Radio Free Asia,* January 9, 2023.
[78] Wang Yun, "Interview: 'All of a Sudden, All of It Was Gone,'" *Radio Free Asia,* January 11, 2023; China Labour Bulletin, "Surge of Manufacturing Protests in China Deserves International Attention," May 16, 2023.
[79] Kai Di, "Zhongguo duo di shangyan 'taoxin' chao, Henan fanfeng hengfu yin reyi" [Wave of "wage arrear" actions held in multiple places in China, ironic banner in Henan prompts heated discussion], *Radio Free Asia,* January 5, 2023.

[80] Juliana Liu, "China's Zhengzhou, Home to World's Largest iPhone Factory, Ends COVID Lockdown. Other Cities Do the Same," *CNN,* November 30, 2022.
[81] Viola Zhou, "'iPhones Are Made in Hell': 3 Months inside China's iPhone City," *Rest of World,* January 31, 2023.
[82] Coco Feng, "World's Largest iPhone Factory Needs 100,000 Workers for Foxconn to Resume Full Production, State Media Says," *South China Morning Post,* November 17, 2022.
[83] Linda Lew, "China Locks Down Almost 1 Million People near iPhone Factory," *Bloomberg,* October 16, 2022.
[84] Eli Friedman, "Escape from the Closed Loop," *Boston Review,* November 28, 2022.
[85] Promise Li, "The Foxconn Uprising in Zhengzhou," *Tempest,* December 5, 2022.
[86] Eli Friedman, "Escape from the Closed Loop," *Boston Review,* November 28, 2022.
[87] Joe McDonald and Zen Soo, "Protesting Workers Beaten at Chinese iPhone Factory," *Associated Press*, November 23, 2022; Viola Zhou, "'iPhones Are Made in Hell': 3 Months inside China's iPhone City," *Rest of World,* January 31, 2023.
[88] Kathrin Hille et al., "Inside the COVID Revolt at the Zhengzhou 'iPhone City' Plant," *Financial Times,* December 1, 2022.
[89] Promise Li, "The Foxconn Uprising in Zhengzhou," *Tempest,* December 5, 2022.
[90] Mark Gurman, "Apple, Foxconn Broke a Chinese Labor Law to Build Latest iPhones," *Bloomberg,* September 8, 2019; Kathrin Hille et al., "Inside the COVID Revolt at the Zhengzhou 'iPhone City' Plant," *Financial Times,* December 1, 2022.
[91] Joe McDonald and Zen Soo, "Protesting Workers Beaten at Chinese iPhone Factory," *Associated Press,* November 23, 2022; Viola Zhou, "'iPhones Are Made in Hell': 3 Months inside China's iPhone City,'" *Rest of World,* January 31, 2023; Kathrin Hille et al., "Inside the COVID Revolt at the Zhengzhou 'iPhone City' Plant," *Financial Times,* December 1, 2022.
[92] Yimou Lee and Brenda Goh, "Foxconn Apologises for Pay-Related Error at China iPhone Plant after Worker Unrest," *Reuters,* November 24, 2022.
[93] Joe McDonald and Zen Soo, "Protesting Workers Beaten at Chinese iPhone Factory," *Associated Press,* November 23, 2022.
[94] Ben Jiang, "Apple Works with Foxconn to Address Worker Concerns at Zhengzhou Plant but Stays Mum on iPhone Production Delays," *South China Morning Post,* November 25, 2022.
[95] Yang Jie and Aaron Tilley, "Apple Makes Plans to Move Production Out of China," *Wall Street Journal,* December 3, 2022.
[96] Yimou Lee, "Foxconn Unrest Risks iPhone Shipments, Weighs on Apple Shares," *Reuters,* November 25, 2022.
[97] Coco Feng, "Apple Supplier Foxconn Raises Pay and Bonus Packages for New Recruits at World's Largest iPhone Factory Ahead of Next Product Launch," *South China Morning Post,* May 29, 2023.
[98] Wen, "The End of an Era: Labor Activism in Early 21st Century China," *Chuang* (blog), April 24, 2023.
[99] Wen, "The End of an Era: Labor Activism in Early 21st Century China," *Chuang* (blog), April 24, 2023.
[100] "Farewell, Picun! On the Closing of China's Museum of Working Culture and Art," *Asian Labour Review,* May 19, 2023; "A Farewell to the Museum of Working People's Culture and Art!," *China Digital Times,* May 19, 2023.
[101] Rights Defense Network, "Jiangxi sheng Ji'an shi laogong weiquan falü yuanzhuzhe Xiao Qingshan (benming Xiao Gaosheng) huoxing 4 nian 6 ge yue" [Ji'an municipality, Jiangxi province, labor rights legal aid provider Xiao Qingshan (real name Xiao Gaosheng) sentenced to 4 years and 6 months], March 1, 2023. For more information on Xiao Gaosheng, see the Commission's Political Prisoner Database record 2009-00022.
[102] Mimi Lau and Jack Lau, "Fang Ran: The Haunting Case of the Hong Kong Labour Rights Researcher Held in China," *South China Morning Post,* September 11, 2021. For more information on Fang Ran, see the Commission's Political Prisoner Database record 2021-00534.
[103] Jessie Lau, China Labour Bulletin, "One Year On, Few Details Available about Detention of Activists Wang Jianbing and Sophia Huang Xueqin," September 19, 2022. For more information on Wang Jianbing, see the Commission's Political Prisoner Database record 2021-00517.
[104] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed June 8, 2023. China has signed but not ratified the ICCPR. International Covenant on Economic, Social and Cultural Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8; International Federation for Human Rights (FIDH) and China Labour Bulletin, "Joint Submission for the Adoption of the List of Issues, China, to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 7.
[105] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, arts. 2, 10–12; International Labour Organization, Interim Report—Report No. 392, Case No. 3184 (China), Complaint date February 15, 2016, October 2020, para. 485; International Federation for Human Rights (FIDH) and China Labour Bulletin, "Joint Submission for the Adoption of the List of Issues, China, to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session," December 18, 2020, 7.
[106] Judith Audin and Jérôme Doyon, "Intermediary Political Bodies of the Party-State: A Sociology of Mass and Grassroots Organisations in Contemporary China," *China Perspectives* 2 (2019): 3–4.
[107] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, art. 2.

[108] Jude Howell, "From Green Shoots to Crushed Petals: Labour NGOs in China," *Made in China Journal: Then and Now* 6, no. 1 (January—April 2021): 105.
[109] Chloé Froissart, Yan Liu, and Quan Meng, "Trade-offs between State Organisations and Workers' Organisations: Chinese Unions in Search of Authoritarian Collective Bargaining," *Chinese Perspectives* 2 (2019).
[110] China Labour Bulletin, "Holding China's Trade Unions to Account," February 17, 2020.
[111] Wang Dongming, "Tuanjie dongyuan yiwan zhigong doujin xin shidai jiangong xin zhengcheng" [Unite and mobilize hundreds of thousands of workers, forging ahead in the new era and building a new path for workers], *Qiushi,* no. 2 (2022). See also David Bandurski, "Commanding the Mirror's Reflection," *China Media Project,* June 16, 2021; Cary Hung, "Reshuffles at Propaganda Organs Underscore Their Importance to Party," *South China Morning Post,* May 18, 2014.
[112] Aidan Chau and Caitlin E. Schultz, "Reining in the Giants? Food Delivery Riders and State Regulation of Tech Companies in China," *Asian Labour Review,* February 22, 2023. See also Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 211–15.
[113] Kevin Lin, "Overwork, Pointless Work, Avoiding Work, and Legal Work: The Contradictions of Labour" in eds. Linda Jaivin, Esther Sunkyung Klein, and Sharon Strange, *China Story Yearbook: Contradiction* (Canberra: ANU Press, 2022): 68.
[114] Wuhan Municipal Healthcare Security Administration, "Chengzhen zhigong jiben yiliao baoxian he chengxiang jumin yiliao baoxian you shenme qubie?" [What are the differences between urban workers' basic health insurance and urban and rural residents' health insurance?], Wuhan Economic & Technological Zone, December 12, 2022; Xinxin Chen, John Giles, Yao Yao, Winnie Yip, Qinqin Meng et al., "The Path to Healthy Ageing in China: A Peking University—Lancet Commission," *Lancet Commissions* 400, no. 10367 (December 3, 2022): 1984–5. China currently has two main forms of health insurance: Urban Workers' Basic Medical Insurance and Urban & Rural Residents' Basic Medical Insurance.
[115] "Guangzhou minzhong chixu kangyi, yaoqiu fanhuan yibao jin" [Guangzhou masses continue to protest, demanding the return of their health insurance funds], *People's News*, January 29, 2023; Civil Rights & Livelihood Watch, "Guangzhou tuixiu renyuan kangyi yibao feiyong jiangdi" [Retirees in Guangzhou protest decrease in health insurance funding], January 13, 2023.
[116] Gu Ting, "In Wuhan, Thousands of Retirees Protest Slashed Medical Benefits," *Radio Free Asia,* February 8, 2023.
[117] Gu Ting, "Wuhan shangwan minzhong zaici juji fandui 'yiliao xinzheng' jiazhong jingji fudan" [In Wuhan, more than ten thousand gathered again en masse to oppose the "new health insurance policy" for increasing economic burden], *Radio Free Asia,* February 15, 2023.
[118] Ye Bing, "Zhongguo Wuhan Dalian zai baofa da guimo shiwei tuixiu renyuan kangyi xuejian yibao fuli" [In China, large-scale demonstrations erupted again in Wuhan and Dalian, retirees protested cuts to healthcare insurance benefits], *Voice of America,* February 15, 2023.
[119] Chen Jing, "China's Silent Healthcare Insurance Reform Triggers Protests among Elderly," *ThinkChina, Lianhe Zaobao,* February 23, 2023.
[120] Gu Ting, "In Wuhan, Thousands of Retirees Protest Slashed Medical Benefits," *Radio Free Asia,* February 8, 2023; Christian Shepherd, "China's Elderly Protest Health Insurance Cuts in Wuhan, Dalian," *Washington Post,* February 16, 2023.
[121] Wu Jiajia, "Lixing kandai yibao geren zhanghu gaige" [Rationally consider the reform of personal health insurance accounts], *Economic Daily,* February 21, 2023.
[122] Zhou Xinda and Wang Xintong, "China's Local Medical Insurance Coffers Bled Dry on Rising Costs, COVID," *Caixin,* March 3, 2023.
[123] Laure He, "Chinese Cities Are So Broke, They're Cutting Medical Benefits for Seniors," *CNN,* March 31, 2023.
[124] Gu Ting, "Chinese Police Detain at Least Five People over Medical Insurance Protests," *Radio Free Asia,* February 22, 2023.
[125] Gu Ting, "Chinese Police Detain at Least Five People over Medical Insurance Protests," *Radio Free Asia,* February 22, 2023; Ye Bing, "Lianghui qian weiwen zhenya kangyizhe ji yiyi renshi Wu fei nan shu gongmin jizhe Zhang Hai shilian huo cheng Fang Bin di er?" [Maintaining stability by suppressing protesters and dissidents before the Two Sessions, Wuhan pandemic victim family member and citizen journalist Zhang Hai incommunicado, will he be the second Fang Bin?], *Voice of America,* February 26, 2023. For more information on Zhang Hai, see the Commission's Political Prisoner Database record 2023-00068.
[126] Rights Defense Network, "Wuhan Tong Menglan erzi: Guanyu wo fuqin Tong Menglan bei zhuabu de qingkuang tongbao" [Son of Wuhan's Tong Menglan: Situation bulletin on the detention of my father Tong Menglan], April 12, 2023; Civil Rights & Livelihood Watch, "Tong Menglan yin shengyuan 'Baifa Yundong' bei daibu" [Tong Menglan arrested for supporting the "White Hair Movement"], April 7, 2023. For more information on Tong Menglan, see the Commission's Political Prisoner Database record 2023-00105.
[127] Vivian Wang, Amy Qin, and Sui-Lee Wee, "Coronavirus Survivors Want Answers, and China Is Silencing Them," *New York Times,* June 17, 2020.
[128] "Zhang Lifa, Veteran Who Worked on China's Nuclear Program, Dies at 76," *New York Times,* April 6, 2020.
[129] "Safety First—Occupational Safety in China," Rödl & Partner, December 10, 2021.
[130] Pang Xinshan, "Yingji Guanlibu Buzhang Wang Xiangxi: wu nian lai yingji jiuyuan nengli dada zengqiang" [Ministry of Emergency Management Minister Wang Xiangxi: emergency and rescue capability has increased greatly over the past five years], *People's Daily,* March 7, 2023; Hou Liqiang, "Minister Commends China's Improvements in Workplace Safety, Emergency Management," *China Daily,* March 7, 2023.
[131] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2022 National Economic and Social Development," February 28, 2023, sec. XII.

[132] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2022 National Economic and Social Development," February 28, 2023, sec. XII.
[133] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2021 National Economic and Social Development," February 28, 2022, sec. XII.
[134] National Bureau of Statistics of China, "Statistical Communiqué of the People's Republic of China on the 2022 National Economic and Social Development," February 28, 2023, sec. XII.
[135] Yuanyue Dang, "Local Officials Tried to Cover Up Scale of Chinese Mine Disaster by Hiding Bodies, Report Finds," *South China Morning Post,* May 6, 2023.
[136] Yuanyue Dang, "Local Officials Tried to Cover Up Scale of Chinese Mine Disaster by Hiding Bodies, Report Finds," *South China Morning Post,* May 6, 2023.
[137] China Labour Bulletin, "Garment Factory Fire in Anyang Takes 38 Lives, Injures 2," November 29, 2022.
[138] China Labour Bulletin, "Garment Factory Fire in Anyang Takes 38 Lives, Injures 2," November 29, 2022; Xu Yelu, "Xi Urges Production Safety after Deadly Fire Accident Kills 38 in C. China," *Global Times,* November 22, 2022.
[139] Xu Yelu, "Xi Urges Production Safety after Deadly Fire Accident Kills 38 in C. China," *Global Times,* November 22, 2022.
[140] Zhao Limei, "Hebei, Zhejiang liang qi zhongda huozai shigu jun you weigui dianhan zuoye yinfa" [Two major fire disasters in Hebei and Zhejiang were caused by illegal welding], *China Youth Daily*, May 10, 2023.
[141] Zhao Limei, "Hebei, Zhejiang liang qi zhongda huozai shigu jun you weigui dianhan zuoye yinfa" [Two major fire disasters in Hebei and Zhejiang were caused by illegal welding], *China Youth Daily,* May 10, 2023.
[142] Shen Du, "Hebei Cang xian feiqi lengku huozai zhi 11 ren yunan, shigu xianchang sizhou quan bei xun hei, gongren zao qiang dong jiuyuan" [A fire at a derelict cold storage facility in Cang county, Hebei, resulted in 11 dead, the scene of the accident was completely blackened, workers cut holes into the wall to save people], *Shangyou News,* March 29, 2023.
[143] Yao Silu, "Jinhua: Wuyi huozai daijia jiwei canzhong, anquan shengchan shi yadao yiqie de shouyao renwu" [Jinhua: Wuyi fire exacted grievously heavy cost, safe production is the overriding priority], *Paper*, April 19, 2023.
[144] Nectar Gan and Wayne Chang, "A Hospital Fire Killed 29 in Beijing, but Residents Were Kept in the Dark for Hours," *CNN*, April 19, 2023; Manya Koetse, "Beijing Changfeng Hospital Fire: Five Things To Know," *What's on Weibo*, April 19, 2023; Kai Di, Jing Wei, and Jenny Tang, "Beijing Police Hold Hospital Chief, Construction Contractor over Deadly Fire," *Radio Free Asia,* April 20, 2023.
[145] Hou Liqiang, "National Fire and Rescue Administration Inaugurated in Beijing," *China Daily*, January 6, 2023.
[146] Zhao Limei, "Changfeng Yiyuan huozai deng zhong teda shigu dou yin weigui donghuo huo dianhan zuoye suozhi" [The fire at Changfeng Hospital and other major accidents were all caused by violations of fire regulations or electric welding operations], *China Youth Daily,* June 8, 2023.
[147] Muyu Xu, "China's Coal Mine Accidents Rise amid Push for Higher Production," *Reuters,* February 24, 2023.
[148] Muyu Xu, "China's Coal Mine Accidents Rise amid Push for Higher Production," *Reuters,* February 24, 2023.
[149] Global Energy Monitor and Centre for Research on Energy and Clean Air, "China Permits Two New Coal Power Plants Per Week in 2022," February 2023, 2.
[150] "Working Group Sent to Investigate Gansu Coal Mine Collapse That Kills 10, Injures 7," *Global Times,* July 24, 2022.
[151] "Zhongguo guanfang: Neimeng lutian meikuang tanta, 53 ren shilian huo siwang" [Chinese official: Inner Mongolia open-air coal mine collapses, 53 missing or dead], *CNA*, March 9, 2023.
[152] Andrew Hayley, "Landslide at Mine in China's Sichuan Province Kills 19," *Reuters,* June 4, 2023.
[153] Li Dan, "Shanxi liang meikuang fasheng anquan shigu bei zeling tingchan zhengdun" [Safety incidents at two coal mines in Shanxi, ordered to suspend production for rectification], *Securities Times,* May 30, 2023.
[154] Yang Jun and Zhou Huiying, "Coal Mine Toll Rises to 6 in Guizhou," *China Daily,* March 20, 2023.
[155] China Labour Bulletin, "Coal Mine Collapse in Inner Mongolia Kills Five, Injures Six, and Leaves Dozens Missing," February 23, 2023.

VIII. Other Thematic Issues

PUBLIC HEALTH

Findings

- The People's Republic of China (PRC) government and Chinese Communist Party's public health response to the spread of the Omicron variant of coronavirus disease 2019 (COVID-19) continued to reflect Chinese leader Xi Jinping's political priorities. The consequences were massive infection rates throughout China and the deaths of an estimated 1 million to 1.5 million people in December 2022 and January 2023 alone, following the abrupt discontinuation of the majority of the prevention and control measures associated with the zero-COVID policy on December 7, 2022. The Party's rigid adherence to the policy's implementation superseded putting in place a robust vaccination campaign, careful planning for the discontinuation of the policy itself, or coordination of the broader healthcare needs of the Chinese population.
- PRC authorities vastly underreported the number of deaths in China following the discontinuation of the zero-COVID policy. Moreover, in March 2023, the international scientific community also criticized the PRC government for not sharing data gleaned in January 2020 from the epicenter of the COVID-19 outbreak in Wuhan municipality, Hubei province.
- Numerous public protests against zero-COVID policy restrictions took place from October 2022 through January 2023. Observers pointed to anger and frustration with the PRC authorities' pandemic measures as catalyzing the participation of "a broad range of contentious constituencies" in these protests.
- Official media messaging about the impact of the pandemic in China swerved between claims of China's historic success in saving lives and disinformation that blamed "hostile powers" for developments that did not support uplifting propaganda. The Party also condemned "Western media" for undermining the official narrative of its "important contributions to the global fight against the pandemic. . .."
- The PRC Mental Health Law reached its tenth year of implementation in May 2023, but key provisions—including the prohibition on the abuse of forcible psychiatric commitment and supporting the use of the principle of voluntary hospitalization—have not yet been achieved. Authorities' use of forcible psychiatric commitment continued to be a tool of political repression.
- Individual and organized public health advocacy continues in China, but the personal and professional risks of organized public health advocacy that authorities deem politically sensitive or even threatening are evident in ongoing or new detentions this past year, including **Cheng Yuan,** co-founder of the advocacy organization Changsha Funeng; **He Fangmei** and **Li Xin,** advocates for the victims of defective vaccines; and **Ji Xiaolong,** who criticized senior officials in Shanghai municipality for the lengthy lockdown there in spring 2022.

Recommendations

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

- Increase support to international technical assistance and exchange programs on emerging and zoonotic infectious diseases, and global public health preparedness and response. Strengthen information sharing, particularly drawing on the legal framework established in the International Health Regulations (IHR). Contribute to the international community's efforts to improve the IHR provisions and communications channels to effectively respond to public health emergencies.
- Call on the Chinese government to strengthen implementation of the PRC Mental Health Law (MHL) and stop using forced psychiatric commitment to retaliate against and silence persons with grievances against the government or persons who express opinions critical of authorities. Promote a human rights-based approach in developing an array of mental health services for a broader range of the Chinese population, many of whom suffered heightened levels of depression and anxiety as a result of harsh zero-COVID policy implementation.
- Urge the Chinese government to end the unlawful detention and official harassment of individuals in China who have shared opinions and information about COVID-19. Release or confirm the release of individuals detained, held in home confinement or a psychiatric facility, or imprisoned for exercising freedom of expression, such as **Zhang Zhan, Zhang Hai, Wu Yanan, Ding Yan,** and **Ji Xiaolong.**

PUBLIC HEALTH

Introduction

The People's Republic of China (PRC) government and Chinese Communist Party's public health response to the spread of the Omicron variant of coronavirus disease 2019 (COVID-19) continued to be shaped by Chinese leader Xi Jinping's political priorities. The consequences of political prioritization were massive infection rates throughout China and the deaths of an estimated 1 million to 1.5 million people from December 2022 through January 2023 alone, following the abrupt discontinuation of the majority of the prevention and control measures associated with the zero-COVID policy on December 7, 2022.[1] Under the policy, Chinese authorities concentrated resources on testing, tracing, and quarantine during the three years of the COVID-19 pandemic. Implementation of the policy in China at the start of the pandemic initially saved lives, but the "economically disruptive and ultimately socially damaging zero-COVID program" resulted in "the same, if not worse, health consequences in the end," according to public health expert Yanzhong Huang.[2] The Party's adherence to zero-COVID implementation superseded putting in place a robust vaccination campaign,[3] careful planning for the discontinuation of the zero-COVID policy itself,[4] or coordination of the broader healthcare needs of the Chinese population.[5]

International legal standards on public health include Article 12 of the International Covenant on Economic, Social and Cultural Rights, which proclaims the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health" and the "prevention, treatment and control of epidemic . . . diseases."[6] The International Covenant on Civil and Political Rights allows governments to impose some restrictions on freedom of expression in cases of public emergency, yet such restrictions must meet "standards of legality, proportionality, and necessity."[7] Chinese citizens expressed pent-up dissatisfaction with the zero-COVID policy in numerous public protests that took place primarily from October 2022 through January 2023.[8] Some citizens criticized the expansion of digital surveillance under the guise of pandemic prevention.[9] International criticism also was unsparing: U.N. experts pointed to the Chinese government's record of COVID-related public health governance during reviews of China's treaty body obligations this past year.[10] The World Health Organization and international scientists continued to raise questions about the lack of transparency with COVID-19-related data from Wuhan municipality, Hubei province, the epicenter of the pandemic outbreak. [For further information on how the COVID-19 pandemic intersected with other core human rights and thematic areas monitored by the Commission, see Chapter 1—Freedom of Expression, Chapter 2—Civil Society, Chapter 6—Governance, Chapter 11—Worker Rights, Chapter 17—Tibet, and Chapter 18—Xinjiang.]

COVID-19

THE END OF THE ZERO-COVID POLICY

In October 2022, more than 200 million Chinese reportedly were under some form of lockdown as the PRC government sought to control the spread of COVID-19 throughout the country.[11] The zero-COVID policy, which was put into place in spring 2020, required residents in China to adhere to prevention and control measures that included the lockdowns of factories,[12] city districts, and entire municipalities;[13] daily testing; contact tracing; and sudden collective quarantines when individual cases of infection were discovered in residential blocks and apartment complexes.[14] With daily management of the policy left to local officials, urban neighborhood committees,[15] and public health workers clad in white hazardous materials suits, implementation of the policy featured uneven and sometimes disproportionately harsh measures that left residents subjected to health, food, and employment insecurity.[16] This past year also saw two of the lengthiest lockdowns in China during the past three years: these were in the Tibet Autonomous Region[17] and in the Xinjiang Uyghur Autonomous Region,[18] neither of which are Han-majority ethnic areas.

The risk of nationwide infection and death may have precluded considerations of ending the policy before the 20th National Congress of the Chinese Communist Party in October 2022 when Xi Jinping secured his third term as Party General Secretary.[19] Official statements before and during the 20th Party Congress reiterated unswerving support of ongoing implementation of a policy that had become entwined with Xi's leadership.[20] Adjustments to the policy were announced on November 11, 2022,[21] reflecting a perception that "the political imperative of sticking with zero-COVID was greatly reduced after the end of the party congress on October 22," as political scientist Minxin Pei observed.[22] Xi reportedly continued to demand implementation of the modified policy even as the rate of infection rose.[23] Nationwide anti-lockdown protests at the end of November 2022,[24] economic pressure from leading regional officials in China,[25] and at least one reported letter from a business leader[26] contributed to the government's decision to end most of the policy's prevention and control measures on December 7, 2022,[27] including the use of the digital health code app, daily testing, and travel restrictions inside China.[28] Local governments and hospitals were not prepared for the policy change[29] or the onslaught of patients and need for beds, equipment, and medicine.[30] An estimated 80 to 90 percent of the Chinese population became infected with COVID-19 within one month of the zero-COVID policy's end.[31]

THE PARTY'S AUTHORITARIAN CONTROL OF PUBLIC HEALTH

The Party's authoritarian control of public health measures in fighting the COVID-19 pandemic in China raised many concerns with regard to human rights, media control, and governance, topics which were discussed at a Commission hearing on November 15, 2022.[32] In one of the policy developments that reflects senior authorities' responses to the pandemic, the Party Central Committee and State Council issued an opinion on the medical health system

in March 2023.[33] The opinion contains provisions on epidemic prevention, based on lessons learned from COVID-19.[34] One provision reinforces the expanded use of grid management as a public health tool, a development during the COVID-19 pandemic in China,[35] which imposes "a responsibility system for community disease prevention and control areas" and a "grid-based grassroots disease prevention and control network."[36] Another provision calls for improving the early warning system in detecting epidemics, epidemic prevention and control, and emergency response systems,[37] a system that authorities established following the severe acute respiratory syndrome (SARS) outbreak in 2003.[38] The primacy of Party leadership in the public health system, including hospital management, also features in the opinion.[39] The Party's entrenchment in hospital management is essential to understanding the early spread of COVID-19: at the time of the COVID-19 outbreak in Wuhan municipality, Hubei province, local hospitals reported first to the Party, which gave "officials in Wuhan an opening to control and distort information about the virus," and allowed the virus to spread, according to the New York Times.[40]

LACK OF DATA TRANSPARENCY

PRC authorities' lack of transparency about the consequences of the COVID-19 pandemic domestically and worldwide does not conform to international standards on access to information during a pandemic, including the right to information regarding accurate public health information and sharing data with scientists and public health professionals who aim to prevent future pandemics.[41]

World Health Organization (WHO) officials, multiple countries,[42] and the international scientific community[43] questioned the accuracy of official data provided by the PRC government this past year. In February 2023, experts estimated that the number of deaths in China resulting from the end of the zero-COVID policy likely ranged from 1 million to 1.5 million.[44] In contrast, the official number of confirmed deaths from the start of the pandemic through February 2023 was 83,150.[45] PRC authorities later reported to the WHO a total of 121,490 confirmed deaths from COVID-19 from January 20, 2020, through July 5, 2023.[46] PRC official estimates only included individuals who died in a hospital, using a "narrow definition of what counts as a COVID-19 death," as the New York Times put it.[47] One source of regularly reported data from the Ministry of Civil Affairs, that provides the number of marriages, divorces, and cremations, was not reported for the fourth quarter of 2022 or the first quarter of 2023, which observers interpreted as an attempt to suppress the numbers on deaths once the zero-COVID prevention and control measures were discontinued in the fourth quarter of 2022.[48] Additionally, few data are available on the prevalence in the Chinese population of long COVID[49]—a condition that includes a range of symptoms following the initial infection and that can last for months or years.[50]

Another ongoing concern during the COVID-19 pandemic is that PRC authorities have withheld scientific data gathered from the outbreak epicenter of Wuhan municipality, Hubei province, from the international scientific community. This concern came into sharp relief this past year when previously unavailable data was

used in a research paper by Chinese Center for Disease Control and Prevention (CCDC) scientists.[51] The information was raw sequencing data obtained in January 2020 from the wet market in Wuhan that remains a focus of COVID-19 origins research.[52] The data were found posted on an international genomic data platform in March 2023, but reportedly were subsequently removed at the request of the CCDC scientists.[53] WHO Director General Tedros Adhanom Ghebreyesus subsequently commented, "These data could have—and should have—been shared three years ago."[54]

Language about Public Health Risks Deleted from Amended PRC Wildlife Protection Law

In the wake of the outbreak of COVID-19 in Wuhan, the National People's Congress (NPC) Standing Committee banned the consumption of terrestrial wildlife in February 2020, a prohibition that lasted through June 2022.[55] Revisions to the PRC Wildlife Protection Law (WPL) were among several legislative projects added to the list of NPC legislative priorities in spring 2020, which aimed to improve public health.[56] During this same period, an international health guideline by the WHO and co-authoring organizations released in 2021[57] along with other scientific publications have emphasized the risks to public health from the sale of wildlife for human consumption.[58] During the WPL revision process, Chinese experts highlighted the need to incorporate public health concerns in the law,[59] but even though the first draft of the amended WPL in October 2020 contained language about the "prevention of public health risks,"[60] neither the second draft in September 2022 nor the final version included that language.[61] The final version of law also loosened some COVID-19 restrictions on wildlife farming.[62] According to the South China Morning Post, "environmentalists say [the WPL] is riddled with loopholes and will encourage the commercial breeding and use of wildlife."[63] [For more information on the PRC Wildlife Protection Law, see Chapter 13—The Environment and Climate Change.]

PANDEMIC-RELATED PROTESTS

Collective and individual public protests related to the zero-COVID policy and its abrupt end were a significant development in China this past year. Observers pointed to anger and frustration with the Chinese government's pandemic measures as catalyzing the participation of "a broad range of contentious constituencies" in these protests.[64] Intersecting human rights concerns were reflected in the protests, such as the right to health[65] when workers protested inadequate medical care when COVID-19 broke out at Foxconn's "iPhone City" in October 2022,[66] the critique of censorship[67] by university students and urban residents who held blank sheets of paper during the White Paper protests in November 2022,[68] and protests linked to economic and food insecurity[69] resulting from the lengthy lockdowns in Lhasa municipality, Tibet Autonomous Region, in October 2022[70] and in Guangzhou municipality, Guangdong province, in November 2022.[71] The protests across China that emerged from vigils for the victims of a deadly fire in Urumqi municipality, Xinjiang Uyghur Autonomous Region,

on November 24, 2022, drew comparisons with the historical phenomenon of Chinese citizens' leveraging public mourning as a platform for freedom of expression and assembly.[72] Additionally, the discontinuation of the zero-COVID policy resulted in factories throughout the country that had produced COVID-19 testing materials ceasing production and leaving workers unpaid, which sparked worker protests in January 2023.[73]

Despite the control of information and restrictions on journalists during the pandemic,[74] individual protests were reported, such as a cinematographer in Shanghai municipality, who used a loudspeaker to broadcast nonsensical zero-COVID slogans in his neighborhood, based on phrases he reedited from official propaganda.[75] In Beijing municipality, an artist tagged eight COVID-19 testing sites with graffiti in August 2022 with the words "I'm numb after three years,"[76] and a protester draped a large banner over Sitong Bridge in October 2022 that criticized the policy and Xi Jinping.[77]

THE COVID-19 PANDEMIC AND MENTAL HEALTH IN CHINA

The COVID-19 pandemic and the zero-COVID policy contributed to deteriorating mental health for many age groups and communities in China.[78] An editorial in the Lancet, an international medical journal, predicted the "shadow of mental ill-health adversely affecting China's culture and economy for years to come."[79] Similarly, Winnie Yip, a public health researcher at Harvard University, identified the broad psychosocial needs of the Chinese population, exacerbated by the COVID-19 pandemic, as a critical issue the Chinese government will have to address in its efforts to improve the public health system in coming years.[80] While individuals in many countries experienced psychological stressors during the COVID-19 pandemic, the zero-COVID policy exacerbated these stressors with isolation at home (including being locked into one's apartment or home), a sense of dread of being transferred at any time to quarantine centers, inadequate access to medical care, widespread food and employment insecurity, and other forms of social disruption.[81] Reports of suicide in China were linked to the zero-COVID policy.[82] The Ministry of Health did not release comprehensive data about the number of suicides reportedly because the statistics are considered a "state secret."[83]

PROPAGANDA AND DISINFORMATION

This past year, official media messages about the impact of the pandemic in China swerved between claims of China's historic success in saving lives and disinformation that blamed "hostile powers" for developments that did not support the uplifting propaganda. At the 20th Party Congress in October 2022, Xi Jinping and other senior Party officials emphasized the correctness of the zero-COVID policy and affirmed its continuation.[84] The Party's "decisive victory" would later be broadcast in Party media outlets, such as People's Daily and Seeking Truth (*Qiushi*), to shape a post-pandemic narrative.[85] The Party condemned "Western media" and the U.S. Government specifically for undermining the PRC official narrative of its "important contributions to the global fight against the pandemic. . . ."[86] When the zero-COVID policy was discontinued, officials accused "Western media" of insulting "China's adjustment of

its pandemic prevention and control policies."[87] PRC officials also blamed "hostile forces," including foreigners, for instigating anti-lockdown (White Paper) protests in November 2022.[88] Moreover, PRC officials continued to repeat and insinuate through disinformation that the United States is the origin of SARS-CoV-2, the virus that causes COVID-19.[89]

Tenth Anniversary of the PRC Mental Health Law

FORCED PSYCHIATRIC COMMITMENT AND INVOLUNTARY HOSPITALIZATION

The PRC Mental Health Law (MHL) reached its tenth year of implementation in May 2023, but key provisions in the MHL—including the prohibition of the abuse of forcible psychiatric commitment[90] and stipulating the use of the principle of voluntary hospitalization[91]—have not yet been achieved.[92] PRC authorities' use of forcible psychiatric commitment (*bei jingshenbing*) has been a tool of political repression and "stability maintenance."[93] Civil Rights & Livelihood Watch (CRLW), an NGO in China that has long monitored forcible psychiatric commitment,[94] reported seven cases of forcible psychiatric commitment in 2022, five of which involved petitioners who sought resolution to grievances such as an injury from a defective vaccine and miscarriages of justice.[95] The other two cases involved zero-COVID policy criticism:[96] **Wu Yanan,** an assistant professor of philosophy at Nankai University in Tianjin municipality, had expressed support to anti-lockdown protesters in November 2022 before being forcibly committed;[97] and **Ding Yan,** a restaurant operator in Nanjing municipality, Jiangsu province, posted a public letter to Xi Jinping in which she criticized COVID-19 measures.[98]

Chinese experts have documented high rates of involuntary hospitalization for persons with mental health disorders since the MHL went into effect, a trend that many found to be inconsistent with the principle of voluntary hospitalization in the MHL and limitations in using involuntary hospitalization only when an individual is at risk of self-harm or harm to others.[99] In a book-length study released in 2023, a researcher found that "given the vagueness in the MHL, the practice of taking a person to a mental health facility for diagnostic assessment against his or her will, even without any evidence of harm or dangerousness, appears to be generally tolerated in both medical practice and legal proceedings . . . ."[100] In an editorial to The Lancet Psychiatry, experts based in Shanghai municipality urged a shift toward a rights-based approach in the provision of mental health services in China, and specified the need for greater clarity in voluntary treatment and involuntary admission criteria; "alternatives to coercion"; the establishment of monitoring mechanisms; and involving persons with mental health disorders "proactively and meaningfully . . . in all processes related to their care."[101] The U.N. experts who reviewed China's compliance with the Convention on the Rights of Persons with Disabilities (CRPD) in August 2022 were critical of the MHL's authorization of involuntary psychiatric commitment, condemning it as a form of deprivation of liberty and security of the person under Article 14 of the CRPD.[102]

Public Health

Targeting Public Health Whistleblowers and Advocates

Reports about the death of elderly physician Jiang Yanyong on March 11, 2023, recalled the pattern of PRC political sensitivity to public health emergencies and official repression of public health whistleblowers.[103] In April 2003, Jiang took a considerable personal and professional risk by exposing the severity of the severe acute respiratory syndrome (SARS) outbreak; his assessment of SARS not only contradicted official statements at the time,[104] but also challenged PRC official secrecy and misinformation.[105] In subsequent years, authorities detained him after he wrote in 2004 about his hands-on experience in treating injured students and bystanders at the time of the PRC's violent suppression of the Tiananmen Square pro-democracy movement on June 4, 1989;[106] they prevented Jiang from traveling abroad to receive human rights awards;[107] they would not allow lawyers and a political reformer to visit him;[108] and ultimately they censored information in China about his death[109] and funeral.[110] International media outlets observed parallels between Jiang and Li Wenliang,[111] the physician in Wuhan municipality, Hubei province, who had posted some of the earliest information about the COVID-19 outbreak via social media in December 2019, and then anonymously revealed the story of his official reprimand to a Chinese media outlet in late January 2020.[112] Li subsequently revealed his identity before his death from COVID-19 in February 2020.[113] An October 2022 investigative report in the New York Times revisited the circumstances of his death, highlighting the political sensitivities that remain.[114] External medical practitioners—whom the New York Times had review the records of Li's medical care in the last weeks of his life at Wuhan Central Hospital—did not find any evidence that politics compromised the quality of Li's care.[115] Nevertheless, as the New York Times noted, the official announcement of Li's death contained not only misinformation about the actual time of his death but also misleading information about the use of a life-saving medical technology.[116] Furthermore, hospitals in Wuhan have restricted medical doctors' access to the records of COVID-19 patients from the initial outbreak.[117]

During this reporting period, the Commission continued to monitor the detention of public health advocates, including the following:

- **Cheng Yuan,** the co-founder of the anti-health discrimination NGO Changsha Funeng, continued to serve a five-year prison sentence for alleged "subversion of state power" at Chishan Prison in Hunan province, where prison authorities reportedly have subjected him to abusive conditions of forced labor.[118] [For more information on forced labor in Chishan Prison, see Chapter 14—Business and Human Rights.]
- The detentions of **He Fangmei** and **Li Xin,** wife and husband advocates for victims of defective vaccines, in Huixian county, Xinxiang municipality, Henan province, in October 2020, have been linked to official retaliation against their advocacy.[119] Authorities reportedly are keeping two of their three children, including a 7-year-old daughter with disabilities ascribed to a defective vaccine, at a psychiatric hospital despite

He's explicit request to place the children with her elder sister.[120]

• **Ji Xiaolong,** another defective vaccine activist, was criminally detained in August 2022 by authorities in Shanghai municipality in connection with his criticism of Shanghai officials' management of the COVID-19 lockdown in spring 2022.[121] Ji reportedly called for the resignation of Li Qiang, Shanghai Party Secretary during the lockdown,[122] who was appointed China's Premier in March 2023.[123]

Notes to Chapter 12—Public Health

[1] Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press*, March 24, 2023.

[2] Yanzhong Huang, "China's Hidden COVID Catastrophe," *Foreign Affairs*, February 16, 2023.

[3] Smriti Mallapaty, "Can China Avoid a Wave of Deaths If It Lifts Strict Zero COVID Policy?," *Nature* 612, (December 8, 2022): 8.

[4] Raffaele Huang and Liyan Qi, "China Missed a Window to Be Better Prepared for Covid-19 Surge," *Wall Street Journal*, December 1, 2022.

[5] "Challenges Confronting China's Healthcare System Post-COVID: A Conversation between Winnie Yip and William Hsiao," Critical Issues Confronting China Series, Fairbank Center for Chinese Studies, Harvard University, March 29, 2023; *COVID-19 and China's Authoritarian Public Health Control, Hearing of the Congressional-Executive Commission on China*, 117th Cong. (2022) (testimony of Yanzhong Huang, Senior Fellow for Global Health, Council on Foreign Relations and Professor, School of Diplomacy and International Relations, Seton Hall University).

[6] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 12(1), (2)(c); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed July 15, 2023. China signed the convention on October 27, 1997, and ratified it on March 27, 2001. See also Office of the U.N. High Commissioner for Human Rights, CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), adopted at the Twenty-second Session of the Committee on Economic, Social and Cultural Rights, August 11, 2000, para. 16.

[7] International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 15, 2023. China has signed but not ratified the ICCPR. Daphne Eviatar, "Human Rights Guidelines for the Fight Against COVID-19," *Just Security* (blog), March 27, 2020; U.N. Human Rights Council, Disease Pandemics and the Freedom of Opinion and Expression, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, A/HRC/44/49, April 23, 2020, paras. 16, 20, 63(e–f).

[8] William Hurst, "Chinese Protesters Are Out in Record Numbers. What Changed?," *Monkey Cage, Washington Post*, November 28, 2022; Xinlu Liang, "Chinese Migrant Workers Protest amid Covid-19 Lockdowns in Guangzhou," *South China Morning Post*, November 15, 2022; "Yixueshengmen de kangzheng shike" [The moment of struggle for medical students], *Labor Bulletin (Gonglao Xiaobao)*, December 14, 2022; Xiaoshan Huang and Gu Ting, "Angry Workers Clash with Police in Chongqing after Test-Kit Maker Fires Thousands," *Radio Free Asia*, January 9, 2023.

[9] Frederik Kelter, "As China Doubles Down on 'Zero-COVID,' Some Have Had Enough," *Al Jazeera,* October 13, 2022; Patricia M. Thornton, "Grid Meets Web: How COVID-19 Extended the Party-State's Social Control Capacity at the Grassroots," *China Leadership Monitor* 76, June 7, 2023.

[10] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong SAR, China, and Macao SAR, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, E/C.12/CHN/CO/3, March 3, 2023, paras. 76–85.

[11] Ryan McMorrow, Sun Yu, Gloria Li, Hudson Lockett, and Primrose Riordan, "China Lockdowns Reach Record Level as Coronavirus Cases Soar," *Financial Times*, November 22, 2022; Bruce Haring, "China Locks Down More Than 232 Million, Isolates Macau Hotel as 'Zero-Covid' Policy Continues," *Deadline*, October 30, 2022.

[12] Eli Friedman, "Escape from the Closed Loop," *Boston Review*, November 28, 2022.

[13] Yvette Tan, "China Covid: Millions Back in Lockdown as Beijing Doubles Down on Zero-Covid," *BBC*, October 28, 2022.

[14] *China's Zero COVID Policy and Authoritarian Public Health Control, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2022) (testimony of Yanzhong Huang, Senior Fellow for Global Health, Council on Foreign Relations and Professor, School of Diplomacy and International Relations, Seton Hall University).

[15] Ryan McMorrow, Sun Yu, Gloria Li, Hudson Lockett, and Primrose Riordan, "China Lockdowns Reach Record Level as Coronavirus Cases Soar," *Financial Times*, November 22, 2022; Patricia M. Thornton, "Grid Meets Web: How COVID-19 Extended the Party-State's Social Control Capacity at the Grassroots," *China Leadership Monitor* 76, June 7, 2023.

[16] See, e.g., Robert Barnett, "In Tibet, Officials' Pursuit of Zero-COVID Sent Tens of Thousands into Mass 'Isolation' Facilities," *ChinaFile*, Asia Society, November 1, 2022; Lily Kuo, Lyric Li, Vic Chiang, and Pei-Lin Wu, "Shanghai's Covid Siege: Food Shortages, Talking Robots, Starving Animals," *Washington Post*, April 15, 2022; Phoebe Zhang, "Officials Apologise after Covid Lockdown Causes Food Shortages for Hundreds of Thousands in Chinese City," *South China Morning Post*, September 8, 2022; "China Covid Lockdowns Leave Residents Short of Food and Essential Items," *BBC*, September 12, 2022.

[17] Yvette Tan, "China Covid: Millions Back in Lockdown as Beijing Doubles Down on Zero-Covid," *BBC*, October 28, 2022; Robert Barnett, "In Tibet, Officials' Pursuit of Zero-COVID Sent Tens of Thousands into Mass 'Isolation' Facilities," *ChinaFile*, Asia Society, November 1, 2022.

[18] Wenxin Fan, "Xinjiang Protests of Monthslong Covid Lockdown Erupt After a Deadly Fire," *Wall Street Journal*, November 25, 2022.

[19] Minxin Pei, "The Sudden End of Zero-Covid: An Investigation," *China Leadership Monitor* 75, March 1, 2023; Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press*, March 24, 2023; *China's Zero COVID Policy and Authoritarian Public Health*

Control, Hearing of the Congressional-Executive Commission on China, 117th Cong. (2022) (testimony of Rory Truex, Assistant Professor of Politics and International Affairs, Princeton University).

[20] Minxin Pei, "The Sudden End of Zero-Covid: An Investigation," *China Leadership Monitor* 75, March 1, 2023; Yuen Yuen Ang, "The Problem with Zero: How Xi's Pandemic Policy Created a Crisis for the Regime," *Foreign Affairs*, December 2, 2022; Nectar Gan, "Xi Jinping Sends Warning to Anyone Who Questions China's Zero-Covid Policy," *CNN*, May 6, 2022.

[21] Ryan Woo and Tony Munroe, "China Shortens Quarantines as It Eases Some of Its COVID Rules," *Reuters*, November 11, 2022.

[22] Minxin Pei, "The Sudden End of Zero-Covid: An Investigation," *China Leadership Monitor* 75, March 1, 2023.

[23] Minxin Pei, "The Sudden End of Zero-Covid: An Investigation," *China Leadership Monitor* 75, March 1, 2023.

[24] Chris Buckley, "After Xi's Coronation, a Roar of Discontent against His Hard-Line Politics," *New York Times*, updated June 20, 2023.

[25] William Zheng, "How Political and Economic Pressure Led to Beijing's Abrupt U-Turn on Zero-Covid," *South China Morning Post*, January 10, 2023.

[26] Keith Zhai, "Letter from Apple Supplier Foxconn's Founder Prodded China to Ease Zero-Covid Rules," *Wall Street Journal*, December 8, 2022.

[27] Laney Zhang, "China: Management of COVID-19 Downgraded," *Global Legal Monitor*, Library of Congress, January 6, 2023.

[28] Laney Zhang, "China: Management of COVID-19 Downgraded," *Global Legal Monitor*, Library of Congress, January 6, 2023; Dake Kang, "Ignoring Experts, China's Sudden Zero-COVID Exit Cost Lives," *Associated Press*, March 24, 2023.

[29] Xiaoshan Huang, Chingman, Gu Ting, and Gulchehra Hoja, "Chinese Hospitals Seek Ventilators, Medical Supplies amid Ongoing COVID-19 Wave," *Radio Free Asia*, December 20, 2022; Yanzhong Huang, "China's Hidden COVID Catastrophe," *Foreign Affairs*, February 16, 2023.

[30] Lingling Wei and Jonathan Cheng, "Why Xi Jinping Reversed His Zero-Covid Policy in China," *Wall Street Journal*, January 4, 2023.

[31] James Glanz, Mara Hvistendahl, and Agnes Chang, "How Deadly Was China's Covid Wave?," *New York Times*, February 15, 2023.

[32] *China's Zero COVID Policy and Authoritarian Public Health Control, Hearing of the Congressional-Executive Commission on China*, 117th Cong. (2022) (testimony of Yanzhong Huang, Senior Fellow for Global Health, Council on Foreign Relations; testimony of Sarah Cook, Research Director for China, Hong Kong, and Taiwan, Freedom House; testimony of Rory Truex, Assistant Professor of Politics and International Affairs, Princeton University).

[33] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jinyibu Wanshan Yiliao Fuwu Tixi de Yijian* [Opinion on Further Improving the Medical Health Services System], March 23, 2023, sec. 1(1).

[34] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jinyibu Wanshan Yiliao Fuwu Tixi de Yijian* [Opinion on Further Improving the Medical Health Services System], March 23, 2023, sec. 1(1). See also "Challenges Confronting China's Healthcare System Post-COVID: A Conversation between Winnie Yip and William Hsiao," Critical Issues Confronting China Series, Fairbank Center for Chinese Studies, Harvard University, March 29, 2023.

[35] Patricia M. Thornton, "Grid Meets Web: How COVID-19 Extended the Party-State's Social Control Capacity at the Grassroots," *China Leadership Monitor* 76, June 7, 2023; Qiao Long and Chingman, "China to Hand Law Enforcement Powers to Local Officials under 'Grid' System," *Radio Free Asia*, July 15, 2021. See also Jessica Batke, "For China's Urban Residents, the Party-State Is Closer than Ever: A Q&A with Taisu Zhang," *ChinaFile*, Asia Society, March 30, 2023.

[36] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jinyibu Wanshan Yiliao Fuwu Tixi de Yijian* [Opinion on Further Improving the Medical Health Services System], March 23, 2023, sec. 3(4).

[37] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jinyibu Wanshan Yiliao Fuwu Tixi de Yijian* [Opinion on Further Improving the Medical Health Services System], March 23, 2023, sec. 2(2).

[38] Guo Rui, "Coronavirus: Why Did China's Multimillion-Dollar Early Warning System Fail?," *South China Morning Post*, March 13, 2020.

[39] Chinese Communist Party Central Committee General Office and State Council General Office, *Guanyu Jinyibu Wanshan Yiliao Fuwu Tixi de Yijian* [Opinion on Further Improving the Medical Health Services System], March 23, 2023, secs. 5(1), 7.

[40] Steven Lee Myers and Chris Buckley, "China Created a Fail-Safe System to Track Contagions. It Failed.," *New York Times*, December 22, 2020.

[41] U.N. Human Rights Council, "Disease Pandemics and the Freedom of Opinion and Expression," Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, A/HRC/44/49, April 23, 2020. See also World Health Organization, World Organization for Animal Health, and U.N. Environment Programme, "Reducing Public Health Risks Associated with the Sale of Live Wild Animals of Mammalian Species in Traditional Food Markets," April 12, 2021, 1.

[42] Joyu Wang and Liyan Qi, "WHO Says China Is Undercounting Covid Deaths, Asks for More Reliable Data," *Wall Street Journal*, January 5, 2023; Ken Moritsugu and Huizhong Wu, "Lack of Info on China's COVID-19 Surge Stirs Global Concern," *Associated Press*, December 29, 2022.

[43] James Glanz, Mara Hvistendahl, and Agnes Chang, "How Deadly Was China's Covid Wave?," *New York Times*, February 15, 2023.

[44] James Glanz, Mara Hvistendahl, and Agnes Chang, "How Deadly Was China's Covid Wave?," *New York Times*, February 15, 2023. See also Dennis Normile, "Models Predict Massive Wave of Disease and Death If China Lifts 'Zero COVID' Policy," *Science* 378, no. 6624 (December 6, 2022).

[45] James Glanz, Mara Hvistendahl, and Agnes Chang, "How Deadly Was China's Covid Wave?," *New York Times*, February 15, 2023.
[46] "China Says 239 People Died from COVID-19 in June in a Significant Uptick," *Associated Press,* July 6, 2023.
[47] James Glanz, Mara Hvistendahl, and Agnes Chang, "How Deadly Was China's Covid Wave?," *New York Times*, February 15, 2023.
[48] Wenxin Fan and Shen Lu, "China Seeks to Write Its Own History of Battle with Covid-19," *Wall Street Journal*, April 12, 2023; Liyan Qi, "Enforcers of China's One-Child Policy Are Now Cajoling People to Have Three," *Wall Street Journal*, June 5, 2023.
[49] Hao Tan, Jiayan Liu, and Fanrui Zeng, "China Needs a Scientific Long COVID Recovery-Support Platform," *Lancet* 40, no. 10374, (February 4, 2023).
[50] "Toward a Deeper Understanding of Long COVID," *NIH Research Matters,* National Institutes of Health, June 6, 2023.
[51] Jon Cohen, "Chinese Researchers Release Genomic Data That Could Help Clarify Origin of COVID-19 Pandemic," *Science*, March 29, 2023; Jimmy Tobias, "How the Media Botched the Raccoon Dog Theory of Covid-19," *Intercept*, May 10, 2023.
[52] Benjamin Mueller, "W.H.O. Accuses China of Hiding Data That May Link Covid's Origins to Animals," *New York Times*, March 17, 2023.
[53] Michael Safi and Eli Block, "'Being Truthful Is Essential': Scientist Who Stumbled upon Wuhan Covid Data Speaks Out," *Guardian*, March 27, 2023; Jon Cohen, "Chinese Researchers Release Genomic Data That Could Help Clarify Origin of COVID-19 Pandemic," *Science,* March 29, 2023.
[54] Benjamin Mueller, "W.H.O. Accuses China of Hiding Data That May Link Covid's Origins to Animals," *New York Times*, March 17, 2023.
[55] *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui guanyu Quanmian Jinzhi Feifa Yesheng Dongwu Jiaoyi, Gechu Lan Shi Yesheng Dongwu Hanxi, Qieshi Baozhang Renmin Qunzhong Shengming Jiangkang Anquan de Jueding* [National People's Congress Standing Committee Decision on the Comprehensive Prohibition of Illegal Wildlife Trading, Elimination of the Bad Habit of Excessive Eating of Wildlife, and Effective Protection of the People's Lives, Health and Safety], passed and effective February 24, 2020; State Administration for Market Regulation, Ministry of Agriculture and Rural Affairs, and National Forestry and Grassland Administration, "Fabu gonggao tingzhi zhixing 'Guanyu Jinzhi Yesheng Dongwu Jiaoyi de Gonggao'" [Announcement on the termination of the implementation of "Announcement on the Ban of Wildlife Trade"], June 17, 2022. See also Amanda Whitfort, "COVID-19 and Wildlife Farming in China: Legislating to Protect Wild Animal Health and Welfare in the Wake of a Global Pandemic," *Journal of Environmental Law* 33, no. 1 (March 2021).
[56] Yang Zekun, "Public Health Legislation Strengthened," *China Daily*, July 29, 2022.
[57] World Health Organization, World Organization for Animal Health, and U.N. Environment Programme, "Reducing Public Health Risks Associated with the Sale of Live Wild Animals of Mammalian Species in Traditional Food Markets," April 12, 2021, 1.
[58] Michael Worobey, Joshua I. Levy, et al., "The Huanan Seafood Wholesale Market in Wuhan Was the Early Epicenter of the COVID-19 Pandemic," *Science* 377, no. 6609 (July 26, 2022); Xiaowei Jiang and Ruoqi Wang, "Wildlife Trade Is Likely the Source of SARS-CoV-2," *Science* 377, no. 6609 (July 26, 2022).
[59] Wang Chen and Jiang Yifan, "The Legal Proposals Shaping the Future of Wildlife in China," *China Dialogue,* April 3, 2020. See also Lingyun Xiao et al., "Why Do We Need a Wildlife Consumption Ban in China?" *Current Biology* 31, no. 4 (February 2, 2021).
[60] Gao Hucheng, NPC Environmental and Resources Protection Committee, "Guanyu 'Zhonghua Renmin Gongheguo Yesheng Dongwu Baohu Fa (Xiuding Cao'an)' de shuoming" [Explanation of "PRC Wildlife Protection Law (Draft Amendment)"], October 13, 2020, reprinted in NPC, January 9, 2023; Lin Fangzhou, "Yesheng Dongwu Baohu Fa xiuding Cao'an chushen: Ni zengjia fangfan gonggong weisheng fengxian neirong" [First review of Wildlife Protection Law draft: Proposes to increase content on the prevention of public health risks], *Southern Metropolitan Daily*, October 13, 2020.
[61] Jiang Yifan and Aron White, "Second Draft Revision of China's Wildlife Protection Law 'A Big Step Backwards,'" *China Dialogue*, October 13, 2022; "China's Return to Wildlife Farming 'A Risk to Global Health and Biodiversity,'" *Guardian*, December 15, 2022; *Zhonghua Renmin Gongheguo Yesheng Dongwu Baohu Fa* [PRC Wild Animal Protection Law], passed November 8, 1988, amended December 30, 2022, effective May 1, 2023.
[62] *Zhonghua Renmin Gongheguo Yesheng Dongwu Baohu Fa* [PRC Wild Animal Protection Law], passed November 8, 1988, amended December 30, 2022, effective May 1, 2023; "China's Return to Wildlife Farming 'A Risk to Global Health and Biodiversity,'" *Guardian*, December 15, 2022.
[63] Echo Xie, "While Animal Origin of Covid-19 Remains a Mystery, Will Revised Law in China Help Prevent More Diseases Jumping from Wildlife to People?," *South China Morning Post*, January 26, 2023. See also Michael Standaert, "How Effective Are China's Attempts to Reduce the Risk of Wildlife Spreading Disease to Humans?," *Ensia*, November 5, 2020.
[64] William Hurst, "Chinese Protesters Are Out in Record Numbers. What Changed?," *Washington Post*, November 28, 2022; Manfred Elfstrom, "Today's Protests in China Have Been Years in the Making," *Jacobin,* December 13, 2022; William Hurst, "What the Protests Tell Us about China's Future," *Time*, December 5, 2022; Zuo Yue, "Three Autumn Revolts: Breaking the Ice on China's 'Anti-Lockdown Movement,'" translated in *Chuang* (blog), January 20, 2023; Patricia M. Thornton, "The A4 Movement: Mapping its Background and Impact," *China Leadership Monitor* 75, March 1, 2023.
[65] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 12; United Nations Treaty Collection, Chapter IV, Human Rights, International Cov-

enant on Economic, Social and Cultural Rights, accessed June 8, 2023. China signed and ratified the ICESCR on October 27, 1997, and March 27, 2001, respectively.
[66] Eli Friedman, "Escape from the Closed Loop," *Boston Review*, November 28, 2022.
[67] International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 19; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed July 15, 2023. China has signed but not ratified the ICCPR.
[68] Jody Rosen, "How Do You Protest in the Face of Censorship? An Empty Sign.," *New York Times*, December 22, 2022.
[69] International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, arts. 6, 7, 11(2); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed June 8, 2023. China signed and ratified the ICESCR on October 27, 1997, and March 27, 2001, respectively.
[70] Sangyal Kunchok, "200 Detained in Tibet's Capital Lhasa over COVID Protest," *Radio Free Asia*, November 3, 2022; "Hundreds in Tibetan Capital Stage Rare Protest against Covid Lockdowns," *Agence France-Presse*, October 29, 2022.
[71] Chang Che and John Liu, "Covid Lockdown Chaos Sets Off a Rare Protest in a Chinese City," *New York Times*, November 16, 2022.
[72] Jeffrey Wasserstrom, "Mourning Becomes China," *Atlantic*, December 12, 2022.
[73] Xiaoshan Huang and Gu Ting, "Angry Workers Clash with Police in Chongqing after Test-Kit Maker Fires Thousands," *Radio Free Asia*, January 9, 2023. See also International Covenant on Economic, Social and Cultural Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 7.
[74] Foreign Correspondents' Club of China, "Zero Covid, Many Controls: Covering China in 2022," March 1, 2022, 2, 4, 8, 9, 11, 12.
[75] Zixu Wang, "China's 'Absurd' Covid Propaganda Stirs Rebellion," *New York Times*, September 29, 2022.
[76] Rights Defense Network, "Yin kangyi guodu fangyi er zao xingshi juliu de Zhongyang Mei Yuan biyesheng Zhang Donghui yin jianchayuan chesu er wu zui huoshi" [Criminally detained for protesting the extreme pandemic prevention measures, Central Academy of Fine Arts graduate Zhang Donghui is released without charge when the procuratorate withdraws lawsuit], December 10, 2022. For more information about Zhang Donghui, see the Commission's Political Prisoner Database record 2022-00202.
[77] Christian Shepherd, "'New Tank Man': Rare Protest in Beijing Mars Xi Jinping's Moment," *Washington Post*, October 14, 2022.
[78] See, e.g., Jianyin Qiu, Bin Shen, Min Zhao, Zhen Wang, Bin Xie, and Yifeng Xu, "A Nationwide Survey of Psychological Distress among Chinese People in the COVID-19 Epidemic: Implications and Policy Recommendations," editorial, *General Psychology* 33, no. 2 (2020); Vincent Ni and Xiaoqian Zhu, "Covid Forces China to Face Mental Health Crisis a Long Time in the Making," *Guardian*, April 20, 2022; Wang Xiaoyu, "Teens More Likely to Get Mental Health Issues from Restrictions," *China Daily*, June 9, 2022; Vivian Wang, "'Very Fragile': Shanghai Wrestles with Mental Health Impact of Lockdown," *New York Times*, June 29, 2022; Farah Master and Xiaoyu Yin, "'It Felt Like My Insides Were Crying': China COVID Curbs Hit Youth Mental Health," *Reuters*, August 29, 2022; Brian J. Hall, Gen Li, Wen Chen, Donna Shelley, and Weiming Tang, "Prevalence of Depression, Anxiety, and Suicidal Ideation during the Shanghai 2022 Lockdown: A Cross-Sectional Study," *Journal of Affective Disorders* 330 (June 2023).
[79] "Mental Health After China's Prolonged Lockdowns," editorial, *Lancet* 399, no. 10342 (June 11, 2022).
[80] "Challenges Confronting China's Healthcare System Post-COVID: A Conversation between Winnie Yip and William Hsiao," Critical Issues Confronting China Series, Fairbank Center for Chinese Studies, Harvard University, March 29, 2023, 44:36—48:35; Dorinda (Dinda) Elliott, "How a Slowing Economy—and Big Hospitals—Are Challenging Healthcare Reform in China," *Fairbank Center for Chinese Studies* (blog), Harvard University, April 9, 2023.
[81] See, e.g., Wang Xiaoyu, "Teens More Likely to Get Mental Health Issues from Restrictions," *China Daily*, June 9, 2022; Vivian Wang, "Shanghai Wrestles with Mental Health Impact of Lockdown," *New York Times*, June 29, 2022; Brian J. Hall, Gen Li, Wen Chen, Donna Shelley, and Weiming Tang, "Prevalence of Depression, Anxiety, and Suicidal Ideation during the Shanghai 2022 Lockdown: A Cross-Sectional Study," *Journal of Affective Disorders* 330 (June 2023).
[82] See, e.g., Yang Caini, "A Woman Dies in China's COVID Lockdown, Again," *Sixth Tone*, November 7, 2022; Xiang Kai and Han Wei, "Woman Hangs Herself in Makeshift Covid Quarantine Hospital," *Caixin*, November 24, 2022.
[83] "Chinese Health Ministry Won't Release Lockdown Suicide Statistics amid COVID-19 Surge," *Radio Free Asia*, November 8, 2022.
[84] Minxin Pei, "The Sudden End of Zero-Covid: An Investigation," *China Leadership Monitor* 75, March 1, 2023.
[85] Nicole Huang and Zixu Wang, "'China Moves to Erase the Vestiges of 'Zero Covid' to Deter Dissent," *New York Times*, February 28, 2023; Ma Xiaowei, "Laolao baowo kangyi zhanlue zhudong quan san nian kangji xinguan yiqing qude juedingxing shengli" [Firmly grasp the initiative of the anti-epidemic strategy and achieve decisive victory in the three-year fight against the coronavirus epidemic], *Seeking Truth,* April 1, 2023.
[86] People's Daily (pseud. Zhong Sheng), "It's Irresponsible for History to Ignore China's Contributions to COVID-19 Fight," *People's Daily*, January 9, 2023; "Meifang ying liji tingzhi weibei kexue de fanzhi naoju (Zhong Sheng)" [The U.S. side must immediately desist in this anti-intellectual farce that violates science (Zhong Sheng)], *People's Daily,* March 30, 2023. People's Daily notes in its January 9, 2023, editorial that "Zhong Sheng" is a "pen name often used . . . to express its views on foreign policy and international affairs." David Bandurski, "Pen Names for Power Struggles," *China Media Project,* June 23, 2022. David Bandurski of China Media Project

explained that "Zhong Sheng" is one of a number of pen names used by the People's Daily that encode political messaging from a Party department or an individual or individuals. Moreover, he added that "Zhong Sheng"—a homophone for "bell tone" and "China's voice"—is the "official pen name used routinely for important pieces on international affairs on which the leadership wishes to register its often scathing view."

[87] David Bandurski, "Whitewashing China's Record on Covid," *China Media Project*, January 9, 2023.

[88] Ken Bredemeier, "China Vows 'Resolute' Crackdown as Protests Mount," *Voice of America*, November 30, 2022.

[89] Jon Cohen, "Anywhere but Here," *Science* 377, no. 6608 (August 16, 2022); Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on February 15, 2023," accessed February 17, 2023; Ministry of Foreign Affairs, "Foreign Ministry Spokesperson Wang Wenbin's Regular Press Conference on February 16, 2023," accessed February 17, 2023.

[90] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, amended April 27, 2018, art. 28; Zhiying Ma, "Promises and Perils of Guan: Mental Healthcare and the Rise of Biopolitical Paternalism in Contemporary China," *Medicine Anthropology Theory* 7, no. 2 (September 30, 2020): 162–3.

[91] *Zhonghua Renmin Gongheguo Jingshen Weisheng Fa* [PRC Mental Health Law], passed October 26, 2012, effective May 1, 2013, amended April 27, 2018, art. 30; Ding Chunyan, "Involuntary Detention and Treatment of the Mentally Ill: China's 2012 Mental Health Law," *International Journal of Law and Psychiatry* 37, no. 6 (November—December 2014), sec. 3.6.

[92] Ding Chunyan, "Involuntary Detention and Treatment of the Mentally Ill: China's 2012 Mental Health Law," *International Journal of Law and Psychiatry* 37, no. 6 (November—December 2014), 588.

[93] Yanxi Mou, "Drugged and Detained: China's Psychiatric Prisons," Safeguard Defenders, August 2022, 18–19, 25.

[94] Civil Rights & Livelihood Watch, "2013 nian Zhongguo weiwen yu renquan nianzhong baogao" [2013 year-end report on stability maintenance and human rights in China], February 3, 2014; Civil Rights & Livelihood Watch, "2014 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2014 year-end report on mental health and human rights in China (forcible psychiatric commitment)], January 14, 2015; Civil Rights & Livelihood Watch, "2015 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie" [2015 year-end summary on mental health and human rights in China (forcible psychiatric commitment)], February 8, 2016; Civil Rights & Livelihood Watch, "2016 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong zongjie" [2016 year-end summary on mental health and human rights in China (forcible psychiatric commitment)], January 26, 2017; Civil Rights & Livelihood Watch, "2020 Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2020 year-end report on mental health and human rights in China (forcible psychiatric commitment)], March 3, 2021.

[95] Civil Rights & Livelihood Watch, "2022 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2022 year-end report on mental health and human rights in China (forcible psychiatric commitment)], April 14, 2023.

[96] Civil Rights & Livelihood Watch, "2022 nian Zhongguo jingshen jiankang yu renquan (bei jingshenbing) nianzhong baogao" [2022 year-end report on mental health and human rights in China (forcible psychiatric commitment)], April 14, 2023.

[97] Civil Rights & Livelihood Watch, "Wu Yanan yin wangshang yanlun bei yi jingshenbing wei you kouya" [Wu Yanan was detained on the basis of mental illness due to online comments], December 16, 2022; Yitong Wu, "Punishment for Supporting Protests: Philosophy Lecturer Sent to Psychiatric Hospital," *Radio Free Asia*, December 15, 2022; Ye Bing, "Bai Zhi yundong duo ming kangyi renshi bei xingju huo chuanhuan weiquan lüshi yiwu fayuan bei buzhe zao kongxia saorao" [Many protesters from the White Paper movement have been criminally detained or summoned for questioning, rights defense lawyers who provided legal aid services to those detained have been intimidated and harassed], *Voice of America,* December 16, 2022. For more information on Wu Yanan, see the Commission's Political Prisoner Database record 2022-00205.

[98] Civil Rights & Livelihood Watch, "Ding Yan zhixin Xi Jinping bei songru jingshenbing yuan" [Ding Yan sends letter to Xi Jinping, and is forcibly committed to a psychiatric institution], June 8, 2022; Rights Defense Network, "Xunzhao bei Zhonggong dangju qiangzhi song jingshenbing yuan hou qiangpo shizong de Jiangsu Nanjing nü renquan hanweizhe Ding Yan qingkuang de tongbao" [Situation report regarding search for Nanjing, Jiangsu female human rights defender Ding Yan, who was forcibly committed to a psychiatric hospital by Chinese Communist Party authorities and later forcibly disappeared], June 23, 2022; "'Gei Xi Jinping xie gongkai xin 'bei jingshenbing' hou you 'bei shizong'" ["Forcibly disappeared" after being "forcibly committed" for writing an open letter to Xi Jinping], *Radio Free Asia*, June 23, 2022. For more information about Ding Yan, see the Commission's Political Prisoner Database record 2022-00126.

[99] Hao Yao, Jingjing Huang, and Yifeng Xu, "10-Year Review of China's Mental Health Law: A Call for Action to Promote Human Rights in Mental Health," *Lancet Psychiatry* 10, no. 2 (January 29, 2023): 80–81; Yarong Ma, Jie Zhang, Robert Rosenheck, and Hongbo He, "Why Did China's Mental Health Law Have a Limited Effect on Decreasing Rates of Involuntary Hospitalization?," *International Journal of Mental Health Systems* 16, no. 1 (July 2, 2022): 1–2.

[100] Bo Chen, *Mental Health Law in China: A Socio-Legal Analysis* (Routledge, New York: 2023), 99.

[101] Hao Yao, Jingjing Huang, and Yifeng Xu, "10-Year Review of China's Mental Health Law: A Call for Action to Promote Human Rights in Mental Health," *Lancet Psychiatry* 10, no. 2 (January 29, 2023): 80–81.

[102] U.N. Committee on the Rights of Persons with Disabilities, Concluding Observations on the Combined Second and Third Periodic Reports of China, CRPD/C/CHN/CO/2–3, October 10, 2022, paras. 32–33.

[103] Repression has been notable against HIV/AIDS activists, including Wan Yanhai, Hu Jia, Gao Yaojie, and the late Wang Shuping. See, e.g., Joe Amon, "The Truth of China's Response to HIV/AIDS," *Los Angeles Times*, July 11, 2010; Tania Branigan, "HIV/Aids Activist Flees China for US," *Guardian*, May 10, 2010; Jonathan Watts, "Profile: Wan Yanhai, Director of the Aizhixing Institute of Health Education," *Lancet* 364, (July 3, 2004); "Public Security Officials Detain Activist Hu Jia, Intensify Surveillance of Others," Congressional-Executive Commission on China, May 5, 2008; Yibing Feng, "Beijing Banner Protest Ripples Outward as China Maintains Silence," *Voice of America*, October 20, 2022; Kathleen McLaughlin, "The AIDS Granny in Exile," *Buzzfeed News*, December 1, 2013; Emily Langer, "Shuping Wang, Whistleblower Who Exposed China's HIV/AIDS Crisis, Dies at 59," *Washington Post*, September 25, 2019; Wang Shuping, "How I Discovered the HIV Epidemic and What Happened to Me Afterwards," *China Change*, September 27, 2012; "[404 wenku] 1995–2020: Zaoyaozhemen" [(404 archive) 1995–2000: The Rumormongers], *China Digital Times*, February 13, 2020.

[104] Susan Jakes, "My Meeting with Jiang Yanyong, the Chinese Doctor Who Dared Speak the Truth about SARS," *NPR*, March 18, 2023; Amy Qin, "Jiang Yanyong, Who Helped Expose China's SARS Crisis, Dies at 91," *New York Times*, March 14, 2023.

[105] Yanzhong Huang, "The SARS Epidemic and Its Aftermath in China: A Political Perspective," in eds. Stacey Knobler et al., Institute of Medicine, *Learning from SARS: Preparing for the Next Disease Outbreak: Workshop Summary* (National Academies Press, Washington, D.C.: 2004): 123–24.

[106] Amy Qin, "Jiang Yanyong, Who Helped Expose China's SARS Crisis, Dies at 91," *New York Times*, March 14, 2023.

[107] Josephine Ma, "Chinese Military Surgeon Who Blew the Whistle on Sars Cover-Up Dies at 91," *South China Morning Post*, March 13, 2023; Joseph Kahn, "SARS Doctor Barred from Leaving China," *New York Times*, July 13, 2007.

[108] Pu Zhiqiang (@puzhiqiang), "Ganggang de zhi, Jiang Yanyong xiansheng zuotian xianshi, ganen ta wei shiren zuo de yiqie ...." [I've only just learned that Mr. Jiang Yanyong passed away yesterday, I thank him for everything he did for the world ....], Twitter, March 13, 2023, 1:20 a.m.

[109] William Farris (@wafarris), "The death of SARS whistleblower Jiang Yanyong shows how Baidu's censorship has changed over time ...." Twitter, March 18, 2023, 10:30 p.m.

[110] Josephine Ma, "Chinese Military Surgeon Who Blew the Whistle on Sars Cover-Up Dies at 91," *South China Morning Post*, March 13, 2023; Amelia Loi and Gu Ting, "Chinese Authorities Censor Funeral of Military Doctor Who Broke Silence on SARS," *Radio Free Asia*, March 14, 2023.

[111] Amy Qin, "Jiang Yanyong, Who Helped Expose China's SARS Crisis, Dies at 91," *New York Times*, March 14, 2023; Joel Keep and David Heslop, "Detention of Citizen Journalists Who Reported on the Outbreak of COVID-19 in Wuhan," letter, *Global Biosecurity* 5, no. 1 (April 2023).

[112] Han Qian, "Beiqing shen yidu: shou xunjie de Wuhan yisheng: 11 tian hou bei bingren chuanran zhu jin geli bingfang" [Beiqing in-depth: disciplined Wuhan doctor: 11 days later, he was infected by a patient and isolated in quarantine unit], *Beijing Youth Daily,* reprinted in *China Digital Times*, January 27, 2020; "Minitrue: Delete 'Disciplined Doctor Now in Isolation Ward,'" *China Digital Times*, January 30, 2020.

[113] Muyi Xiao et al., "How a Chinese Doctor Who Warned of Covid-19 Spent His Final Days," *New York Times,* October 6, 2022. The government later rescinded the official reprimand of Li Wensheng and named him a national "model healthcare worker" and martyr. Consul-General of the PRC in Sydney, Australia, "The Truth on the So-Called China Covering-Up the COVID-19 and Therefore Delaying Other Country's Response—Reality Check of US Allegations against China on COVID-19 (III)," May 10, 2020.

[114] Muyi Xiao et al., "How a Chinese Doctor Who Warned of Covid-19 Spent His Final Days," *New York Times*, October 6, 2022.

[115] Muyi Xiao et al.,"How a Chinese Doctor Who Warned of Covid-19 Spent His Final Days," *New York Times*, October 6, 2022.

[116] Muyi Xiao et al., "How a Chinese Doctor Who Warned of Covid-19 Spent His Final Days," *New York Times*, October 6, 2022.

[117] Muyi Xiao et al., "How a Chinese Doctor Who Warned of Covid-19 Spent His Final Days," *New York Times*, October 6, 2022. See also Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 191.

[118] Civil Rights & Livelihood Watch, "Jiashu huijian le Cheng Yuan bing gongkai panjueshu" [Family members met with Cheng Yuan, also made public court decision], June 14, 2023; U.N. Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention at its eighty-seventh session, 27 April—1 May 2020, Opinion No. 11/2020 concerning Cheng Yuan, Liu Dazhi and Wu Gejianxiong (China). For more information on Cheng Yuan, see the Commission's Political Prisoner Database record 2019-00300.

[119] Rights Defense Network, "Henan renquan hanweizhe Li Xin, He Fangmei fufu shuangshuang ru yu jin liang nian, qi san weicheng nian zinü renquan jingquang kanyou" [Henan human rights defenders Li Xin and He Fangmei, a husband and wife, both have been imprisoned for two years, their three minor children's human rights conditions are worrying], August 9, 2022.

[120] Changsha Funeng et al., "Joint Letter Urges Freeing of Activist He Fangmei's Children," July 8, 2023; Dai Ju, "'Yimiao Baobao zhi Jia' faqiren He Fangmei an chaoqi jiya reng wei panjue: nüer zhi jin zhiliao jingshenbing yuan" ["Vaccine Babies' Home" founder He Fangmei's case of prolonged detention without a verdict: her daughter is stranded in a psychiatric hospital], *NGOCN*, February 1, 2023. For more information, see the Commission's Political Prisoner Database records 2016-00297 on Li Xin and 2019-00185 on He Fangmei.

[121] Chinese Human Rights Defenders, "As Party Congress Looms, Dissidents Languish and Party Ramps Up Ideological Control," October 5, 2022; Civil Rights & Livelihood Watch, "Ji Xiaolong yin changdao minzhong hujiu bei qubao houshen" [Ji Xiaolong is released on guarantee pending investigation for advocating that the masses rescue each other], May 2, 2022; William Nee, "Xi Jinping Has Critics in China. They Have Paid a Steep Price.," *Diplomat*, October 14, 2022. For more information on Ji Xiaolong, see the Commission's Political Prisoner Database record 2018-00526.

[122] Qi Desai and Cheryl Tung, "Shanghai Police Detain Zero-COVID Critic Who Called on Local Leader to Resign," *Radio Free Asia*, September 2, 2022.

[123] Keith Bradsher and Chang Che, "China's New Premier Needs to Revive Growth. How Far Will Loyalty Get Him?," *New York Times*, March 13, 2023.

Findings

- While China's leaders pledged to prioritize efforts to protect the environment and to realize their carbon emissions targets, observers raised doubts about the People's Republic of China's (PRC) ability to achieve senior officials' climate goals. According to scholars, the PRC government views a leadership role in international environmental governance as one route to achieving global leadership. PRC officials have used their "ecological civilization" framework—under which they seek to "selectively . . . achieve [their] environmental goals"—to strengthen authoritarian governance.
- In 2022, the PRC government approved the highest number of new coal-powered energy plants in seven years, increasing the country's coal power capacity by more than 50 percent from the previous year. According to international observers, China's substantial increase in coal plant construction threatened global climate efforts. China's high levels of air pollutants contributed to negative health effects, including stillbirths and premature death.
- China remained the world's leading emitter of CO_2, with emissions rising four percent to reach a record high in the first quarter of 2023. China also remained the world's leading emitter of methane, which is 25 times more potent than carbon dioxide as a greenhouse gas. China has not signed the Global Methane Pledge to cut methane emissions 30 percent by 2030.
- China experienced many extreme weather events this past year, including a heatwave, drought, heavy rainfall and floods, and sandstorms, that experts linked to climate change.
- China's distant water fishing (DWF) fleet was reportedly involved in illegal, unreported, and unregulated fishing practices that threaten ocean ecosystems and wildlife populations, as well as economic livelihoods.
- Although PRC authorities continued to suppress civil society on a range of issues that authorities deem politically sensitive, environmental nongovernmental organizations have remained viable platforms for education and advocacy. Nevertheless, environmental advocacy in China has narrowed as organizations strategically focus their work within the bounds of government policy narratives or pursue collaboration with local governments.
- In January 2023, the Supreme People's Court issued ten guiding cases for environmental public interest litigation (PIL). The procuratorate has a key role in prosecuting environmental PIL cases, which requires navigating between local government resistance to environmental protection standards and holding agencies environmentally accountable. Scholars have observed that the procuratorate's "reliance on top-down political support may ultimately hinder [PIL's] expansion and stability."

Recommendations

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

- Call on the PRC government to release environmental advocates and to cease its censorship of environmental reporting and follow international standards on freedom of speech, association, and assembly, including those contained in the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, and China's Constitution. Highlight to Chinese officials the important role that civil society and independent media, including the foreign media, can play in strengthening environmental monitoring, transparency, and improving the environment.
- In meetings with Chinese officials, raise the detentions of environmental advocates **Dorje Dragtsal, Sengdra, Rinchen Namdrol, Tsultrim Gonpo, Jangchub Ngodrub, Dongye, Sogru Abu,** and **Namse.**
- Build global coalitions with allies and partners to address forced labor in the solar power and critical mineral supply chains, and press the PRC to end sanctions on research institutes and individual scholars, allowing them to continue important environmental work in China.
- Call on the PRC government to abide by international environmental and human rights standards in Chinese-owned distant water fishing (DWF) operations, and to cooperate with individual nations and international bodies in protecting fish stocks and protecting endangered species in the world's oceans.
- Consider legislation that requires proof of provenance for seafood imports—especially from regions heavily fished by China's distant water fishing fleet.
- Call on the PRC government to cooperate with the United States and other countries to implement the goals spelled out in the "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s," the Glasgow Climate Pact, and other agreements like the 2023 Sunnylands Agreement, and to measurably reduce China's carbon emissions in order to meet its "dual-carbon" pledge of having carbon emissions peak by 2030 and to become carbon neutral by 2060.
- Encourage Chinese officials to invest in lower-emission sources of energy and to provide incentives to local governments to transition from coal to lower-emission sources of energy.
- Call on the PRC government to provide great transparency in emissions data.
- Call on the PRC government to end its financing of non-renewable energy projects abroad, including those projects implemented through the Belt and Road Initiative.
- Support efforts by Chinese and U.S. groups working to use satellite analysis and remote sensing to monitor environmental problems and supply chains in China.
- Recognize China as a developed country in international agreements and organizations and hold it accountable to associated commitments it has made.

THE ENVIRONMENT AND CLIMATE CHANGE

Introduction

Statements from the United Nations reflect an emerging global consensus on the need for collective action to protect the environment.[1] In July 2022, based on the resolution of the U.N. Human Rights Council in October 2021, the U.N. General Assembly adopted a resolution declaring access to "a clean, healthy, and sustainable environment" a universal human right, and called upon states, international organizations, and business enterprises to "scale up efforts" to ensure a clean, healthy and sustainable environment for all.[2] China was among eight countries that abstained from voting on the resolution.[3] Previously, in November 2021, Chinese Communist Party General Secretary Xi Jinping wrote to the United Nations COP26 climate summit in support of multilateral consensus and cooperation on climate change, and said "China will continue to prioritize ecological conservation and pursue a green low-carbon path to development."[4] China has ratified the 2015 Paris Agreement on climate change and is a party to the U.N. Framework Convention on Climate Change.[5]

While China's leaders pledged to prioritize efforts to protect the environment and to realize their carbon emissions targets,[6] observers raised doubts about their ability to achieve the country's climate goals.[7] In his opening speech for the 20th National Congress of the Chinese Communist Party in October 2022, Xi Jinping pledged to prioritize environmental protection and conservation, and to promote green development.[8] Scholars Judith Shapiro and Yifei Li observed that the PRC government views a leadership role in international environmental governance as one route to achieving global leadership.[9] According to Shapiro and Li, the PRC's "ecological civilization" framework serves to strengthen authoritarian governance in China and export it abroad, in addition to achieving environmental goals.[10]

Legal Developments and Guidelines

Observers wrote that China is pursuing conflicting goals for environmental protection and economic growth. While PRC central authorities have continued to pass and submit laws, issue restrictions, and strengthen the role of courts in environmental protection, analysts have written that the PRC's economic and environmental goals remain in conflict, that near-term goals are insufficiently ambitious to fulfill long-range commitments, and that PRC actions abroad in Belt and Road Initiative projects may worsen climate change.[11] Climate experts interviewed by an environmental news organization expressed concerns about China's ability to decarbonize in light of challenges posed by uncertain growth, its focus on energy security, and geopolitical contention.[12]

Government actions in the past year aimed at environmental protection included the following:

- In February 2023, the Supreme People's Court issued an opinion instructing lower courts to prioritize environmental protection when selecting and deciding cases, in order to

"guide" corporate behavior according to official carbon reduction goals.[13]

- The revised **PRC Wildlife Protection Law,** effective May 31, 2023, tightened prohibitions on the sale, consumption, transport, and hunting of wild animals.[14] Biologists and animal protection advocates, however, say that significant loopholes in the law allow the commercial use and captive breeding of wildlife, which creates the conditions for the potential emergence and transmission of zoonotic disease to humans.[15] China has been a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora since 1981.[16]
- The **PRC Yellow River Protection Law,** effective April 1, 2023, aims to protect ecological and water resources in the Yellow River basin, with special emphasis on limiting groundwater use.[17] Regional overreliance on Yellow River groundwater has caused significant ecological degradation and resource depletion.[18] The law stipulates that groundwater withdrawal shall not exceed amounts set by local governments, in accordance with amounts set by provincial and national-level authorities.[19] Previously, the PRC's Yellow River Conservancy Commission reportedly raised concerns about the deteriorating quality of the river's water, citing "grave" pollution.[20]
- The **PRC Black Soil Protection Law,** effective August 1, 2022, aims to protect arable land with black humus topsoil in four northeastern provincial-level regions, largely in order to "safeguard national food security."[21] According to reporting by Bloomberg, Mao-era deforestation policies resulted in a steep decline in black soil quality, posing a threat to food production.[22] Xi Jinping has repeatedly emphasized the importance of food security, partly in response to global uncertainty.[23]

Climate Change

In March 2023, the U.N. Intergovernmental Panel on Climate Change warned that the window of opportunity to limit global warming to within 1.5 degrees Celsius (2.7 degrees Fahrenheit) of pre-industrial levels was closing, and that humanity must achieve "deep, rapid, and sustained" reductions in greenhouse gas emissions by 2030.[24] China remained the world's leading emitter of CO_2, with emissions rising four percent to a record high in the first quarter of 2023.[25] The PRC also remained the world's leading emitter of methane, which is 25 times more potent than carbon dioxide as a greenhouse gas.[26] China, however, has not signed the Global Methane Pledge to cut methane emissions 30 percent by 2030.[27]

This past year, Chinese leaders took what analysts called a "cautious approach" to the country's commitments to reducing carbon emissions.[28] Even as officials reaffirmed the country's commitment to reaching carbon neutrality,[29] and the country invested in low-carbon energy sources,[30] authorities remained reliant on coal power, including to generate electricity, threatening China's climate commitments.[31] At the 20th Party Congress in October 2022, Xi Jinping reaffirmed his 2020 dual-carbon pledge, without mentioning the previously stated dates of reaching peak carbon emissions before 2030 and carbon neutrality before 2060, and empha-

sized support for environmental protection while continuing to use coal as a source of energy.[32] Xi Jinping also pledged that China would use coal more efficiently, diversify its energy sources, and ensure the security of its energy supply.[33]

In 2022, authorities approved the highest number of new coal-powered energy plants in seven years, about two per week, increasing the country's coal power capacity by more than 50 percent from the previous year.[34] China's carbon emissions, which in recent years have accounted for around 31 percent of the global total, were still rising as of December 2022.[35] According to international observers, China's substantial increase in coal plant construction threatens global climate efforts.[36] According to the results of the 2023 Climate Change Performance Index, China's plans to increase coal production by 2030 by over five percent (compared to 2019) are incompatible with the goal of containing global warming within 1.5 degrees Celsius.[37]

China experienced numerous extreme weather events in 2022 and 2023 that the World Meteorological Organization and others have linked to climate change.[38] Events observers linked to climate change included a heatwave in summer 2022;[39] droughts that affected 5.5 million people in July 2022;[40] heavy rainfall and floods in summer 2022;[41] and sandstorms in early 2023.[42]

AIR POLLUTION

China continued to experience high levels of air pollution, contributing to negative health effects, including stillbirths and premature death.[43] Over one million people are estimated to die each year from the effects of ambient air pollution in China.[44] Studies found that exposure to particulate air pollution caused a significant increase in cardiopulmonary and cardiorespiratory conditions, sometimes resulting in death, and one study showed a link between particulate air pollution and the deaths of children under five years old.[45] Researchers estimated that exposure to air pollution in China has caused 64,000 stillbirths a year.[46]

During the annual meetings of the National People's Congress and Chinese People's Political Consultative Conference ("Two Sessions") in March 2023, then Premier Li Keqiang claimed that municipalities at or above the prefectural level experienced good or excellent air quality in 86.5 percent of the days over the previous five years.[47] The Ministry of Ecology and Environment (MEE) reported that air quality in these municipalities had decreased, however, in the first two months of 2023, compared to the previous year.[48] In addition, during the Two Sessions, Beijing municipality and its surrounding areas experienced moderate to severe levels of air pollution, in what Bloomberg reported was the worst air quality to affect the meetings in at least a decade.[49]

Evidence indicates that air pollution originating in mainland China has spread to Taiwan and South Korea. In February 2023, air pollution from mainland China caused 50 "orange alerts" in Taiwan, indicating unhealthy air quality levels.[50] A study published by the European non-profit organization Centre for Economic Policy Research in February 2023 showed a strong link between increased mortality in South Korea and air pollution coming from China.[51]

CHALLENGES IN PROTECTING WATER SECURITY

Recognized by the United Nations as a human right,[52] equitable access to safe and clean drinking water is a stated policy priority of the PRC government,[53] which reportedly views water security as a means of maintaining social stability and establishing political legitimacy.[54] Despite the government's efforts to enhance ecological protection and reduce water pollution, including, for instance, a World Bank-assisted project covering parts of the Yangtze River basin, citizens continued to face difficulties accessing water.[55] The Yangtze River spans "19 provinces and provides the main source of water for almost 600 million people."[56] It is, however, severely polluted with plastic debris, chemicals, heavy metals, and waste from factories, agricultural production, and local communities.[57] Water shortages in the river's middle and downstream areas were exacerbated by a heatwave-induced drought during the summer of 2022,[58] an extreme weather event that emerged from China's history of ground temperature increase at a rate above the global average.[59] Experts warned that "China is on the brink of a water catastrophe," especially should a multiyear drought occur.[60] [For information on the Yellow River and the PRC Yellow River Protection Law, see "Legal Developments and Guidelines" in this chapter.]

IMPACT OF CHINESE DAMS

Dams built by the PRC government, both in China and abroad, continued to contribute to environmental damage and rights violations.[61] The PRC government's widespread buildup of dams along the Mekong River on both sides of China's border has contributed to flooding, drought, rapidly changing water levels, destruction of fish populations, and loss of sediment.[62] These environmental shifts in the region have also adversely affected local communities in countries such as Cambodia, Laos, Thailand, and Vietnam, creating food insecurity, forced relocation, and low harvests for farmers and fishers.[63] Beyond Southeast Asia, PRC dam projects have caused environmental and social damage in Latin America, as evidenced by a report submitted to the U.N. Committee on Economic, Social, and Cultural Rights in February 2023 by the International Service for Human Rights and a coalition of Latin American nongovernmental organizations (NGOs).[64] The report documents environmental and social violations of 14 Chinese infrastructure projects in the region, including the impact of the PRC government's hydroelectric complex on the Santa Cruz River, which was reportedly rushed through construction without a thorough environmental impact study.[65] One of the NGOs noted that local communities had not consented to the construction of additional dams, telling the news organization Diálogo Chino: "The communities have said many times that they don't want more dams in the region."[66] [For more information about Chinese development projects abroad, see Chapter 20—Human Rights Violations in the U.S. and Globally.]

Chinese Distant Water Fishing Fleet

The Chinese distant-water fishing (DWF) fleet was reportedly involved in illegal, unreported, and unregulated fishing practices that threatened ocean ecosystems and wildlife populations, as well as economic livelihoods.[67] A report by Mongabay, an international non-profit conservation and environmental news platform, which was based on interviews with dozens of former employees of Dalian Ocean Fishing, found that the partially state-owned fishing company conducted illegal shark finning operations.[68] According to reports from this and previous years, Chinese DWF vessels also have targeted endangered and protected marine life, including sharks, dolphins, turtles, and seals.[69] The PRC reportedly uses the Chinese fishing vessels to project state power and influence,[70] and the Chinese DWF fleet—the largest in the world[71]—is heavily subsidized by the Chinese government.[72] According to the Environmental Justice Foundation, "China's state subsidies have allowed the grossly overcapacity fleet to exploit the waters of developing nations that rely on marine resources for livelihoods and food security."[73] [For information on forced labor in the Chinese distant water fishing fleet, see Chapter 10—Human Trafficking.]

Wildlife Protection

The revised PRC Wildlife Protection Law (WPL), effective May 1, 2023, tightens restrictions on illegal wildlife trade and strengthens wild animal habitats and the rescue and breeding of endangered wildlife.[74] The amended WPL also urges internet platforms to enforce a zero tolerance policy against illegal wildlife trade, and aims to hold logistics companies accountable for illegal involvement in shipping wildlife products.[75] During this reporting year, the Commission observed reports of wildlife from Africa, South America, and Southeast Asia sent to China as part of the illegal wildlife trade.[76] Mongabay described such trade between South America and China as "a lucrative trade, fueled by corruption," and affiliated with illicit entrepreneurs and criminal networks.[77]

Environmental Advocacy Despite Suppression of Civil Society

With PRC authorities continuing to suppress civil society on a range of issues that authorities deem politically sensitive, environmental nongovernmental organizations (ENGOs) have remained viable platforms for education and advocacy.[78] Nevertheless, environmental advocacy in China has narrowed as organizations strategically focus their work within the bounds of government policy narratives[79] or in collaboration with local governments.[80] Some ENGOs have shifted from monitoring air quality to collecting carbon emissions data to aid in climate governance, in spite of challenges in obtaining data.[81] ENGOs also have collected evidence and pressured local officials through public interest lawsuits and public calls for action,[82] but their efforts to file environmental public interest cases have been obstructed by the costs associated with such cases and hurdles in establishing standing as plaintiffs.[83]

Citizens continued to raise concerns related to the environment through public advocacy. In July 2022, residents of Huludao mu-

nicipality, Liaoning province, turned to an unofficial approach to express their grievances as their official petitions to the local government were disregarded[84] and their plans to protest resulted in police summonses.[85] In collaboration with the performance artist "Nut Brother," [86] residents called a public pay phone in Beijing municipality on July 9 and 10,[87] and described serious pollution in Huludao and its health effects, to volunteers and others in Beijing who answered the phone.[88] Nut Brother has staged multiple environmental performance art events in China,[89] and conceptualized the project as a way to bring Huludao's residents' voices to the center of Chinese politics.[90] Huludao officials held a press conference on July 20 in response to publicly reported air pollution, promising to monitor and regulate emissions produced by local companies.[91] Authorities reportedly also detained a Huludao resident for 24 hours, after which she posted a video repudiating her statements in prior videos about local pollution.[92] In November 2022, Nut Brother reportedly suspended his performance art activity due to pressure from local authorities.[93]

State-led Model of Environmental Public Interest Litigation

The National People's Congress formalized the environmental public interest litigation (PIL) system in 2017, authorizing lawsuits against government agencies and private parties, for violating the national and public interest.[94] In January 2023, the Supreme People's Court issued ten guiding cases for environmental PIL, aimed at guiding courts in conducting fair trials and increasing judicial protection of the environment by addressing such issues as pollution, illegal mining, destroying forests, and protecting natural relics.[95] The procuratorate has a key role in prosecuting environmental PIL cases,[96] which requires the agency to navigate a "delicate balance" between local government resistance to environmental protection standards and holding agencies environmentally accountable, according to scholars who authored a report on procuratorate-led PIL published this past year.[97] Yet, these scholars also observed that the procuratorate's "reliance on top-down political support may ultimately hinder [PIL's] expansion and stability." [98] Another obstacle to environmental PIL is the vague criteria for determining the type and scope of environmental public interest cases, contributing to the hesitance of procuratorate offices "to file public interest litigation against ambiguous acts of pollution and damage to the ecology." [99]

Notes to Chapter 13—The Environment and Climate Change

[1] The Human Right to a Clean, Healthy and Sustainable Environment, adopted by U.N. Human Rights Council resolution A/HRC/RES/48/13 of October 8, 2021, 1–3. In October 2021, the U.N. Human Rights Council for the first time recognized "the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights." U.N. Human Rights Council, The Right to a Clean, Healthy and Sustainable Environment: Non-Toxic Environment—Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, David R. Boyd, A/HRC/49/53, January 12, 2022, paras. 1, 6, 29; "Access to a Healthy Environment, Declared a Human Right by UN Rights Council," *U.N. News*, October 8, 2021. See also U.N. General Assembly, Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, John H. Knox, A/73/188, July 19, 2018, paras. 19, 42, 59.

[2] The Human Right to a Clean, Healthy and Sustainable Environment, adopted by U.N. General Assembly resolution 76/300 of July 28, 2022; U.N. / GA Resolution Right to Clean Environment, U.N. Audiovisual Library, July 28, 2022; "UN General Assembly Declares Access to Clean and Healthy Environment a Universal Human Right," *U.N. News*, July 28, 2022.

[3] United Nations Meeting Coverage, "With 161 Votes in Favour, 8 Abstentions, General Assembly Adopts Landmark Resolution Recognizing Clean, Healthy, Sustainable Environment as Human Right," GA/12437, July 28, 2022. According to a U.N. press release, "The representative of China said her country's national human rights action plan includes a section on environmental rights. China recognizes the aspirations of the co-sponsors to promote discussions on environmental matters; however, there is no agreement on the right to the environment—specifically, on its definition and relationship to other human rights. She requested more time, patience and efforts to avoid undue haste, expressing concern that a reference to common but differentiated responsibilities was not included in the text. For such reasons, China abstained."

[4] Xi Jinping, "Full Text of Xi Jinping's Statement at COP26 Climate Summit," *Nikkei Asia*, November 2, 2021.

[5] United Nations Treaty Collection, Chapter XXVII, Environment, Paris Agreement, accessed August 25, 2023; Gregor Erbach and Ulrich Jochheim, "China's Climate Change Policies: State of Play Ahead of COP27," European Parliamentary Research Service, October 2022, 2. As described in the European Parliamentary Research Service report, "[China] belongs to the non-Annex I group of developing countries, which have less strict requirements and are entitled to support from the developed countries listed in Annex I of the convention. Nationally determined contributions (NDC) set out parties' targets and commitments to climate action with updates every five years." See also State Council Information Office, "Full Text: Responding to Climate Change: China's Policies and Actions," October 27, 2021; Hongqiao Liu and Xiaoying You, "Q&A: What Does China's New Paris Agreement Pledge Mean for Climate Change?," *Carbon Brief*, December 16, 2021; Lindsay Maizland, "Global Climate Agreements: Successes and Failures," Council on Foreign Relations, updated November 4, 2022; Jon Greenberg, "Is the Paris Climate Agreement Easier on China and India Than on the US?," *PolitiFact*, Poynter Institute, January 26, 2021. The Paris Agreement obliges participating countries to set their own goals and publicly report their progress but lacks concrete enforcement mechanisms. China's most recent NDC submission reaffirms Xi Jinping's pledge at the U.N. General Assembly in September 2020 to have China's carbon dioxide emissions peak before 2030 and to achieve carbon neutrality (net-zero emissions) before 2060. The submission did not give a specific date for peak emissions, and some observers expressed disappointment that the submission did not contain more aggressive targets.

[6] State Council, "Report on the Work of the Government," March 5, 2023. In March 2023, then Premier Li Keqiang called for controlling pollution, protecting and restoring ecosystems, improving policies for "green development," advancing energy conservation and carbon reduction, as well as using resources efficiently. Echo Xie, "'Two Sessions' 2023: China Puts Spotlight Back on Fossil Fuel and Emission Targets for Post-Covid Rebound," *South China Morning Post*, March 7, 2023. Similarly, Zhang Endi, vice chairman of the China Zhi Gong Party Central Standing Committee, said that achieving carbon neutrality requires an energy revolution, technological revolution, and a gradual move from fossil energy to non-fossil energy. Pang Xinshan, "Zhang Endi: Goujian xiandai nengyuan tixi tongchou tuijin tan dafeng tan zhonghe" [Zhang Endi: Building a modern energy system, coordinating the promotion of peak carbon emissions and carbon neutrality], *People's Daily*, March 7, 2023.

[7] Echo Xie, "'Two Sessions' 2023: China Puts Spotlight Back on Fossil Fuel and Emission Targets for Post-Covid Rebound," *South China Morning Post*, March 7, 2023.

[8] Xi Jinping, "Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects: Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 12, 19, 43–45; David Stanway, "Xi Jinping Vows to Prioritize Environment, Protect Nature and Promote Green Lifestyles," *Reuters*, October 16, 2022.

[9] Judith Shapiro and Yifei Li, "China's Coercive Environmentalism Revisited: Climate Governance, Zero Covid and the Belt and Road," *International Quarterly for Asian Studies* 53, no. 3 (November 9, 2022): 335.

[10] Judith Shapiro and Yifei Li, "China's Coercive Environmentalism Revisited: Climate Governance, Zero Covid and the Belt and Road," *International Quarterly for Asian Studies* 53, no. 3 (November 9, 2022): 327–28, 333. Shapiro and Li found that the Chinese government has used the framework of "ecological civilization" to "selectively to achieve its environmental goals" while promoting obedience to the state. See also Yifei Li and Judith Shapiro, *China Goes Green: Coercive Environmentalism for a Troubled Planet* (Cambridge, U.K.: Polity, 2020), 16–19.

[11] Judith Shapiro and Yifei Li, "China's Coercive Environmentalism Revisited: Climate Governance, Zero Covid and the Belt and Road," *International Quarterly for Asian Studies* 53, no.

3 (November 9, 2022): 327–36; Lindsay Maizland, "China's Fight Against Climate Change and Environmental Degradation," Council on Foreign Relations, updated November 4, 2022; Xin Wang and Ping Lei, "Does Strict Environmental Regulation Lead to Incentive Contradiction?—Evidence from China," *Journal of Environmental Management* 269 (2020): 1.

[12] Xiaoying You, "As Xi Jinping Reaffirms Climate Goals, China Faces Economic and Geopolitical Headwinds," *Climate Home News*, October 26, 2022.

[13] Supreme People's Court, *Zuigao Renmin Fayuan guanyu Wanzheng Zhunque Quanmian Guanche Xin Fazhan Linian Wei Jiji Wentuo Tuijin Tan Dafeng Tan Zhonghe Tigong Sifa Fuwu de Yijian* [Opinion of the Supreme People's Court on the Complete and Accurate Implementation of the New Development Concept and the Provision of Judicial Services to Actively and Steadily Promote Carbon Peaking and Carbon Neutrality], issued February 17, 2023; Supreme People's Court, "China's Top Court Issues Guideline on Environmental Protection," February 20, 2023; Isabella Kaminski, "China Strengthens Role of Courts in Meeting Carbon Targets," *Climate Home News*, March 7, 2023. For more on China's international commitments under the Paris Agreement, which it ratified in 2016, see Gregor Erbach and Ulrich Jochheim, "China's Climate Change Policies: State of Play Ahead of COP27," European Parliamentary Research Service, October 2022, 2; United Nations Climate Change, "Parties & Observers," accessed September 5, 2023; Paris Agreement, adopted by Conference of the Parties to the U.N. Framework Convention on Climate Change on December 12, 2015, entry into force November 4, 2016; United Nations Treaty Collection, Chapter XXVII, Environment, Paris Agreement, accessed August 25, 2023.

[14] *Zhonghua Renmin Gongheguo Yesheng Dongwu Baohu Fa* [PRC Wildlife Protection Law], passed November 8, 1988, amended and effective December 30, 2022, arts. 5–7, 15, 17, 28; "China Revises Law on Wildlife Protection," *Xinhua*, January 3, 2023.

[15] Echo Xie, "While Animal Origin of COVID-19 Remains a Mystery, Will Revised Law in China Help Prevent More Diseases Jumping from Wildlife to People?," *South China Morning Post*, January 26, 2023.

[16] Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed March 3, 1973, entry into force July 1, 1975; "List of Contracting Parties," Convention on International Trade in Endangered Species of Wild Fauna and Flora, accessed August 25, 2023. China acceded to the convention on January 8, 1981.

[17] *Zhonghua Renmin Gongheguo Huanghe Baohu Fa* [PRC Yellow River Protection Law], passed October 30, 2022, effective April 1, 2023; Yang Caini, "After the Yangtze, China Passes Law to Protect Yellow River," *Sixth Tone*, November 1, 2022; "Yellow River Protection Law Takes Effect," *Xinhua*, April 1, 2023; "China Focus: Facilitating 'Mother River' Protection with Sound Legal System," *Xinhua*, April 3, 2023. In 2021, China passed the complementary PRC Yangtze River Protection Law. *Zhonghua Renmin Gongheguo Changjiang Baohu Fa* [PRC Yangtze River Protection Law], passed December 26, 2020, effective March 1, 2021.

[18] Yang Caini, "After the Yangtze, China Passes Law to Protect Yellow River," *Sixth Tone*, November 1, 2022.

[19] *Zhonghua Renmin Gongheguo Huanghe Baohu Fa* [PRC Yellow River Protection Law], passed October 30, 2022, effective April 1, 2023; Yang Caini, "After the Yangtze, China Passes Law to Protect Yellow River," *Sixth Tone*, November 1, 2022.

[20] Tania Branigan, "One-Third of China's Yellow River 'Unfit for Drinking or Agriculture,'" *Guardian*, November 25, 2008.

[21] *Zhonghua Renmin Gongheguo Hei Tudi Baohu Fa* [PRC Black Soil Protection Law], passed June 24, 2022, effective August 1, 2022; Food and Agriculture Organization of the United Nations, "Black Soil Protection Law of the People's Republic of China,"December 15, 2022. The PRC Black Soil Protection Law mainly focuses on protecting the land for agricultural use, ensuring soil fertility is not negatively affected by agricultural operations, and promoting its efficient use, and specifying its use for "grain and oil crops, sugar crops, vegetables and other agricultural products."

[22] "The Rich, Black Soil That Fed a Growing China Is Washing Away," *Bloomberg*, April 22, 2022.

[23] Mandy Zuo, "China Food Security: With New Law, Can Beijing Reverse Loss of Arable Land, or Will Policies Go to Seed at Grass-Roots Level?," *South China Morning Post*, June 27, 2023; Zongyuan Zoe Liu, "China's Farmland Is in Serious Trouble," *Foreign Policy*, February 27, 2023.

[24] Core Writing Team, H. Lee and J. Romero (eds.), Intergovernmental Panel on Climate Change, "Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change," Geneva, Switzerland, 2023, v, vii, 10–11, 19, 24–25, 68, 88–89, 92, 97, 161; Brad Plumer, "Climate Change Is Speeding Toward Catastrophe. The Next Decade Is Crucial, U.N. Panel Says.," *New York Times*, March 20, 2023.

[25] Laura He, "China's Record Carbon Emissions Expected to Peak Due to Clean Energy Push, Report Says," *CNN*, May 12, 2023; Harry Stevens, "The United States Has Caused the Most Global Warming. When Will China Pass It?," *Washington Post*, March 1, 2023; Lauri Myllyvirta and Qi Qin, "Analysis: China's CO_2 Emissions Hit Q1 Record High after 4% Rise in Early 2023," *Carbon Brief*, May 12, 2023.

[26] Olivia Rosane, "China, World's Leading Methane Polluter, Drafts Plan to Cut Emissions," *EcoWatch*, November 18, 2022; "China Surprises at COP 27 with Draft Methane Plan," *Energy Mix*, November 21, 2022; "New Coal Mine Projects Seen Swelling Global Methane Emissions by a Fifth," *Reuters*, March 15, 2022; Deborah Gordon, RMI, "Methane: A Threat to People and Planet," July 7, 2021. See also Ryan Driskell Tate and Yedan Li, Global Energy Monitor, "Why China's Coal Mine Boom Jeopardizes Short-Term Climate Targets," May 2022.

[27] Olivia Rosane, "China, World's Leading Methane Polluter, Drafts Plan to Cut Emissions," *EcoWatch*, November 18, 2022; "China Surprises at COP 27 with Draft Methane Plan," *Energy Mix*, November 21, 2022. For more information on the Global Methane Pledge, see Climate and

Clean Air Coalition to Reduce Short-Lived Climate Pollutants, "About the Global Methane Pledge," accessed August 28, 2023.

[28] Yujie Xue, "Climate Change: China's Xi Jinping Affirms Net-zero Commitment while Touting Coal's Near-term Value for Energy Security," *South China Morning Post*, October 21, 2022.

[29] Ministry of Foreign Affairs, "Special Representative Wang Yi of President Xi Jinping Attends and Addresses the Informal Leaders' Roundtable on Climate Action," September 22, 2022; "COP 27: China Climate Envoy Says Beijing Committed to Carbon Neutrality," *Reuters*, November 8, 2022.

[30] "Global Low-Carbon Energy Technology Investment Surges Past $1 Trillion for the First Time," *Bloomberg NEF*, January 26, 2023; Eric Ng, "Renewable Energy: What China Is Doing on Solar and Wind Power Storage to Secure Supply amid Weather Challenges," *South China Morning Post*, January 29, 2023.

[31] Centre for Research on Energy and Clean Air and Global Energy Monitor, "China Permits Two New Coal Power Plants per Week in 2022," February 2023, 3; Echo Xie, "Two Sessions' 2023: China Puts Spotlight Back on Fossil Fuel and Emission Targets for Post-Covid Rebound," *South China Morning Post*, March 7, 2023.

[32] Xi Jinping, "Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects: Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 44; "Full Text: Statement by Xi Jinping at General Debate of 75th UNGA," *China Daily*, September 23, 2020; Genevieve Donnellon-May and Mark Yaolin Wang, "Xi Jinping's 'Green Leap Forward' Will Shape China's Environmental Future," *South China Morning Post*, November 2, 2022; Yujie Xue, "Climate Change: China's Xi Jinping Affirms Net-zero Commitment while Touting Coal's Near-term Value for Energy Security," *South China Morning Post*, October 21, 2022; David Stanway, "Xi Jinping Vows to Prioritise Environment, Protect Nature and Promote Green Lifestyles," *Reuters,* October 16, 2022.

[33] Xi Jinping, "Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects: Report to the 20th National Congress of the Communist Party of China," October 16, 2022, 45–46; Yujie Xue, "Climate Change: China's Xi Jinping Affirms Net-zero Commitment while Touting Coal's Near-term Value for Energy Security," *South China Morning Post*, October 21, 2022. See also Yujie Xue, "'Two Sessions': Coal at Core of China's Power Infrastructure Even as Beijing Pushes Clean Energy Use, Government Work Report Shows," *South China Morning Post*, March 6, 2023; Pang Xinshan, "Zhang Endi: Goujian xiandai nengyuan tixi tongchou tuijin tanda fengtan zhonghe" [Zhang Endi: Building a modern energy system and promoting carbon neutrality in a coordinated manner], *People's Daily*, March 7, 2023.

[34] Centre for Research on Energy and Global Energy Monitor, "China Permits Two New Coal Power Plants per Week in 2022," February 2023.

[35] Paul Bledsoe, "Protesting China's Climate Catastrophe," *RealClearEnergy*, December 13, 2022; Betty Wang and Meera Gopal, "ASPI Climate Action Brief: China," Asia Society Policy Institute, July 20, 2023; Andy Tay, "By the Numbers: China's Net-Zero Ambitions," *Nature*, April 5, 2022.

[36] Centre for Research on Energy and Global Energy Monitor, "China Permits Two New Coal Power Plants per Week in 2022," February 2023; "Despite Green Pledges, China Increases Coal Plant Constructions," *FairPlanet*, March 13, 2023; Peter Hannam, "Confusion Surrounds China's Energy Policies as GDP and Climate Goals Clash," *Guardian*, February 28, 2023.

[37] Jan Burck et al., Germanwatch, NewClimate Institute, and Climate Action Network International, "2023 CCPI: Climate Change Performance Index: Results: Monitoring Climate Mitigation Efforts of 59 Countries Plus the EU—Covering 92% of the Global Greenhouse Gas Emissions," 2023, 3, 23. According to the 2023 CCPI, " . . . the Climate Change Performance Index (CCPI) is an independent monitoring tool for tracking the climate protection performance of 59 countries and the EU . . . The climate protection performance of those countries, which together account for 92% of global greenhouse gas (GHG) emissions, is assessed in four categories: GHG Emissions, Renewable Energy, Energy Use and Climate Policy."

[38] World Meteorological Organization, "Extreme Weather in China Highlights Climate Change Impacts and Need for Early Warnings," August 24, 2022. See also David Stanway, "China Warns of More Extreme Weather in 2023," *Reuters*, February 6, 2023.

[39] Joe Lo, "China Warns of More Floods and Heatwaves in 2023," *Climate Home News*, February 6, 2023. An expert attributed the increased frequency, intensity, and duration of heat waves to human-induced climate change. Starting in June 2022, a heatwave lasting more than 70 days dried up lakes and reservoirs, damaged crops, and caused forest fires in the Yangtze River Basin. In August, up to 267 weather stations registered record high temperatures. In February 2023, a spokesman for the China Meteorological Administration said that China's southern regions must prepare for more high temperatures, and northern regions must prepare for heavy floods. See also Pinya Wang et al., "North China Plain as a Hot Spot of Ozone Pollution Exacerbated by Extreme High Temperatures," *Atmospheric Chemistry and Physics* 22, no. 7 (2022): 4706.

[40] World Meteorological Organization, "Extreme Weather in China Highlights Climate Change Impacts and Need for Early Warnings," August 24, 2022; David Stanway, "China Warns of More Extreme Weather in 2023," *Reuters*, February 6, 2023. Starting in July 2022, provinces and cities along the Yangtze River experienced moderate to severe drought. Sharp decreases in rainfall in Chongqing municipality and Sichuan province led to reduced hydropower output and restrictions on industrial operations. Government authorities warned of high forest fire danger in Chongqing and Sichuan.

[41] World Meteorological Organization, "Extreme Weather in China Highlights Climate Change Impacts and Need for Early Warnings," August 24, 2022. In July 2022, parts of northern China experienced unusually heavy rainfall, more than in the previous year. Floods occurred in

Heilongjiang, Liaoning, Sichuan, and Gansu provinces, and in Qinghai province, the latter of which caused many casualties.

[42] Zhang Siran, "China Extreme Weather: China Works to Tackle Sandstorms, Restore Clean Air," *CGTN*, April 23, 2023; Zhao Yusha, "Latest Sandstorm in N. China Sweeps 2.29 Million Square Kilometers, Impacting 409 Million People: Officials," *Global Times*, April 11, 2023; "Sandstorms Cover China, South Korea and Thailand in a Yellow Blanket of Dust—in Pictures," *Guardian*, April 14, 2023. In early 2023, severe sandstorms hit 15 provincial-level regions, including Beijing and Shanghai.

[43] Mandy Zuo, "'Airborne Baby Killer': 64,000 Die in Womb Each Year as a Result of Polluted Air in China Despite Official Efforts to Tackle Problem," *South China Morning Post*, December 4, 2022; Peng Yin et al., "The Effect of Air Pollution on Deaths, Disease Burden, and Life Expectancy Across China and Its Provinces, 1990–2017: An Analysis for the Global Burden of Disease Study 2017," *Lancet Planetary Health* 4, no. 9 (September 1, 2020): e387. See also Pinya Wang et al., "North China Plain as a Hot Spot of Ozone Pollution Exacerbated by Extreme High Temperatures," *Atmospheric Chemistry and Physics* 22, no. 7 (April 11, 2022): 4710; U.N. Human Rights Council Report of the Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, David R. Boyd, A/HRC/40/55, January 8, 2019, para. 26.

[44] World Health Organization, "Air Pollution in China," accessed August 8, 2023; Qingli Zhang et al., "Overview of Particulate Air Pollution and Human Health in China: Evidence, Challenges, and Opportunities," *Innovation 3*, no. 6 (November 8, 2022): 1.

[45] Qingli Zhang et al., "Overview of Particulate Air Pollution and Human Health in China: Evidence, Challenges, and Opportunities," *Innovation 3*, no. 6 (November 8, 2022): 1–3; Tiantian Li et al., "Ambient Fine Particulate Matter and Cardiopulmonary Health Risks in China," *Chinese Medical Journal* 136, no. 3 (February 10, 2023): 287–91; Xiaowei Xue et al., "Hourly Air Pollution Exposure and the Onset of Symptomatic Arrhythmia: An Individual-Level Case-Crossover Study in 322 Chinese Cities," *Canadian Medical Association Journal 195*, no. 17 (May 1, 2023): e601–2, e609. Particulate air pollution refers to solid or liquid matter that is suspended in the air, including smoke, soot, dust, and pollen. Douglas W. Dockery, "Health Effects of Particulate Air Pollution," *Annals of Epidemiology* 19, no. 4 (April 2009): 1, reprinted in National Library of Medicine, National Institutes of Health.

[46] Mandy Zuo, "'Airborne Baby Killer': Pollution in China Sees 64,000 Stillborn Babies a Year," *South China Morning Post*, December 4, 2022; Tao Xue et al., "Estimation of Stillbirths Attributable to Ambient Fine Particles in 137 Countries," *Nature Communications* 13 (November 29, 2022): 4. See also Pinya Wang et al., "North China Plain as a Hot Spot of Ozone Pollution Exacerbated by Extreme High Temperatures," *Atmospheric Chemistry and Physics* 22, no. 7 (April 11, 2022): 4707, 4710. A scientific study published in 2022 estimated that approximately 100 daily excess deaths occurred because of the combination of high temperatures and severe ozone pollution in a region of northeast China.

[47] State Council, "Report on the Work of the Government," March 5, 2023.

[48] Ministry of Ecology and Environment, "Shengtai Huanjing bu tongbao 2 yue he 1–2 yue quanguo huanjing kongqi zhiliang zhuangkuang" [Ministry of Ecology and Environment February bulletin and notice on the national ambient air quality in January—February], March 16, 2023.

[49] Liu Lican, "Serious Air Pollution During Two Sessions," *China Dialogue*, March 9, 2023; Dan Murtaugh, "No Blue Skies in Beijing as Smog Hangs over Landmark Meeting," *Bloomberg*, March 5, 2023.

[50] Keoni Everington, "Air Pollution from China Triggers 50 Orange Alerts in Taiwan," *Taiwan News*, February 20, 2023.

[51] Seonmin "Will" Heo, Koichiro Ito, and Rao Kotamarthi, "International Spillover Effects of Air Pollution: Evidence from Mortality and Health Data," *VoxEU*, Centre for Economic Policy Research, February 10, 2023.

[52] U.N. General Assembly, Resolution adopted by the U.N. General Assembly on July 28, 2010, A/RES/64/292, August 3, 2010, 2; U.N.-Water, "Water Security & the Global Water Agenda: A UN-Water Analytical Brief," revised October 2013, 11.

[53] Hou Liqiang and Minlu Zhang, "Country's Water Governance Proposals at the UN Event Widely Praised," *China Daily*, updated March 27, 2023; Permanent Mission of the People's Republic of China to the U.N., "Speech by Minister Li Guoying at the General Debate of the Plenary Session of the 2023 U.N. Water Conference," March 23, 2023.

[54] Gabriel Collins and Gopal Reddy, "China's Growing Water Crisis," *Foreign Affairs*, August 23, 2022; Genevieve Donnellon-May, "Water Warriors: How China's River Chiefs Aim to Tackle Water Pollution," *China Brief*, Jamestown Foundation, August 4, 2023, 2.

[55] World Bank, "Deepening Ecological Protection and Water Pollution Control in China's Yangtze River Basin," March 30, 2023.

[56] World Bank, "Deepening Ecological Protection and Water Pollution Control in China's Yangtze River Basin," March 30, 2023.

[57] Richard Buettner, "The Yangtze River: Navigating the Pollution Disaster," *GeoAffairs*, May 27, 2023; Lin Zi, "China's Plan to Clean Up "New Pollutants,'" *China Dialogue*, August 9, 2022; Genevieve Donnellon-May, "How China Is Responding to Its Water Woes," *Diplomat*, September 7, 2022.

[58] Karina Tsui and Ian Livingston, "China Hit by Drought, Floods, as Yangtze River Runs Dry," *Washington Post*, August 18, 2022; Ryo Inoue, Record Drought, Heat Wave Dries Up River Basins in Areas of China," *Asahi Shimbun*, August 29, 2022.

[59] David Stanway, "China Warns That Its Temperatures Are Rising Faster Than Global Average," *Reuters*, August 4, 2022; Hongzhou Zhang, "Climate Change Threatens China's Rice Bowl," *East Asia Forum*, August 5, 2023.

[60] Gabriel Collins and Gopal Reddy, "China's Growing Water Crisis," *Foreign Affairs*, August 23, 2022.

[61] Jack Silvers, "Water Is China's Greatest Weapon and Its Achilles Heel," *Harvard Political Review*, October 16, 2020; Brian Eyler, "Science Shows Chinese Dams Are Devastating the Mekong," *Foreign Policy*, April 22, 2020; Human Rights Watch, "Underwater: Human Rights Impacts of a China Belt and Road Project in Cambodia," August 10, 2021; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 244.

[62] Nicholas Muller, "The Precarious State of the Mekong," *Diplomat*, November 24, 2022; Buasawan Simmala and Christy Lee, "China's Mekong River Dams Expected to Worsen Southeast Asian Economies during Drought," *Voice of America*, August 4, 2023; Kanupriya Kapoor, Simon Scarr, Phuong Nguyen, Clare Trainor, Manas Sharma, and David Stanway, "Starving the Mekong," *Reuters*, December 15, 2022.

[63] Kanupriya Kapoor, Simon Scarr, Phuong Nguyen, Clare Trainor, Manas Sharma, and David Stanway, "Starving the Mekong," *Reuters*, December 15, 2022; Buasawan Simmala and Christy Lee, "China's Mekong River Dams Expected to Worsen Southeast Asian Economies during Drought," *Voice of America*, August 4, 2023; Nicholas Muller, "The Precarious State of the Mekong," *Diplomat*, November 24, 2022; "Thai, Chinese Backers Sign Power Purchase Agreement for Mekong River Dam in Laos," *Radio Free Asia*, March 23, 2023.

[64] International Service for Human Rights et al., "China: Human Rights and Chinese Business Activities in Latin America," February 2023, 6, 14, 24–26; Fermín Koop, "Latam NGOs Raise Concerns on Chinese Investments to UN Body," *Diálogo Chino*, March 17, 2023; U.S.-China Economic and Security Review Commission, *2021 Report to Congress*, November 2021, 214, 220, 228–29. The NGO report lists 13 Chinese companies and 6 Chinese financiers responsible for 14 development projects in nine Latin American countries. As explained by the U.S.-China Economic and Security Review Commission report, due to the PRC's unique governance rights with respect to private firms, all of the firms in question are under the control and jurisdiction of the PRC government.

[65] International Service for Human Rights et al., "China: Human Rights and Chinese Business Activities in Latin America," February 2023, 24–36.

[66] Fermín Koop, "Latam NGOs Raise Concerns on Chinese Investments to UN Body," *Diálogo Chino*, March 17, 2023.

[67] Janet Coit and Richard W. Spinrad, U.S. Interagency Working Group on Illegal, Unreported, and Unregulated (IUU) Fishing, "National 5-Year Strategy for Combating Illegal, Unreported, and Unregulated Fishing (2022–2026)," accessed September 5, 2023, 7, A1-3; David Leonhardt, "China's Huge Appetite for Fish," *New York Times*, September 27, 2022; Mike Studeman, "China's Rampant Illegal Fishing Is Endangering the Environment and the Global Economy," *Newsweek*, January 24, 2023; Philip Jacobson and Basten Gokkon, "Exclusive: Shark Finning Rampant across Chinese Tuna Firm's Fleet," *Mongabay*, November 1, 2022. See also Ian Urbina, "Subsidizing China's Fishing Fleet," Outlaw Ocean Project, September 2, 2021.

[68] Philip Jacobson and Basten Gokkon, "Exclusive: Shark Finning Rampant across Chinese Tuna Firm's Fleet," *Mongabay*, November 1, 2022. See also Philip Jacobson and Basten Gokkon, "'It Was a Shark Operation': Q&A with Indonesian Crew Abused on Chinese Shark-Finning Boat," *Mongabay*, December 2, 2022.

[69] Philip Jacobson and Basten Gokkon, "Exclusive: Shark Finning Rampant across Chinese Tuna Firm's Fleet," *Mongabay*, November 1, 2022; Environmental Justice Foundation, "Global Impact of Illegal Fishing and Human Rights Abuse in China's Vast Distant Water Fleet Revealed," April 5, 2022; Environmental Justice Foundation, "The Ever-Widening Net: Mapping the Scale, Nature and Corporate Structures of Illegal, Unreported and Unregulated Fishing by the Chinese Distant-Water Fleet," March 30, 2022, 17, 30, 35, 37; Ian Urbina, "Subsidizing China's Fishing Fleet," Outlaw Ocean Project, September 2, 2021. See also Environmental Justice Foundation, "On the Precipice: Crime and Corruption in Ghana's Chinese-Owned Trawler Fleet," October 2022.

[70] "China's Deep-Water Fishing Fleet Is the World's Most Rapacious," *Economist*, December 8, 2022.

[71] "China's Deep-Water Fishing Fleet Is the World's Most Rapacious," *Economist*, December 8, 2022; Steven Lee Myers et al., "How China Targets the Global Fish Supply," *New York Times*, September 26, 2022.

[72] "China's Deep-Water Fishing Fleet Is the World's Most Rapacious," *Economist*, December 8, 2022; Mike Studeman, "China's Rampant Illegal Fishing Is Endangering the Environment and the Global Economy," *Newsweek*, January 24, 2023; Philip Jacobson and Basten Gokkon, "Exclusive: Shark Finning Rampant across Chinese Tuna Firm's Fleet," *Mongabay*, November 1, 2022; Environmental Justice Foundation, "The Ever-Widening Net: Mapping the Scale, Nature and Corporate Structures of Illegal, Unreported and Unregulated Fishing by the Chinese Distant-Water Fleet," March 30, 2022, 6, 12; Environmental Justice Foundation, "At What Cost? How Ghana Is Losing Out in Fishing Arrangements with China's Distant Water Fleet," 2021.

[73] Environmental Justice Foundation, "Global Impact of Illegal Fishing and Human Rights Abuse in China's Distant Water Fleet," April 5, 2022.

[74] *Zhonghua Renmin Gongheguo Yesheng Dongwu Baohu Fa* [PRC Wildlife Protection Law], passed November 8, 1988, amended and effective December 30, 2022. See also the following unofficial translation: "Wildlife Protection Law of the PRC (2022 Version)," translated in *China Law Translate*, December 31, 2022; "China Revises Law on Wildlife Protection," *Xinhua*, January 3, 2023.

[75] International Fund for Animal Welfare, "China Passes Revised Law to Strengthen Protection of Wildlife," January 3, 2023.

[76] Alexia Tata, "Peace, Poaching and Pangolins in Central Africa," United States Institute of Peace, April 25, 2023; Sharon Guynup, "A Fast-Growing Pipeline: The Amazon-to-Southeast Asia Wildlife Trade," *Mongabay*, October 18, 2022; Carolyn Cowan, "Myanmar Wildlife Trade Remains Opaque, Despite Focus on Border Hubs," *Mongabay*, July 7, 2022.

[77] Sharon Guynup, "A Fast-Growing Pipeline: The Amazon-to-Southeast Asia Wildlife Trade," *Mongabay*, October 18, 2022.

[78] Yuan Ye, "In China, a New Generation of Climate Activists Suddenly Emerges," *Sixth Tone*, November 9, 2022; Jia Ao, "Ten Years under Xi Jinping: The 'Chilling' Effect on China's Civil Society Groups," *Radio Free Asia*, October 14, 2022.
[79] Yuan Ye, "In China, a New Generation of Climate Activists Suddenly Emerges," *Sixth Tone*, November 9, 2022.
[80] Nina Jeffs, "Climate Action in China: Four Levers to Advance Gender and Social Equality," Chatham House, March 2023, 27–28.
[81] Lin Zi, "From Smog to Carbon: Chinese NGOs in Transition," *China Dialogue*, January 4, 2023.
[82] Lin Zi, "From Smog to Carbon: Chinese NGOs in Transition," *China Dialogue*, January 4, 2023; *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China*, 117th Cong. (2021) (testimony of Dr. Jessica C. Teets, Associate Professor, Middlebury College).
[83] Sasha Kong, "China's Climate Litigation Policy Must Change," *FairPlanet*, February 3, 2022; Yu Zhuang, "The Challenge of Litigation Costs and Damage Assessment Fees in Environmental Public Interest Litigation in China," *Comparative Jurist: William & Mary Law School's International and Comparative Law Blog*, May 13, 2017. See also Helen Davidson, "'You Follow the Government's Agenda': China's Climate Activists Walk a Tightrope," *Guardian*, August 16, 2021; *China's Environmental Challenges and U.S. Responses, Hearing of the Congressional-Executive Commission on China*, 117th Cong. (2021) (testimony of Dr. Jessica C. Teets, Associate Professor, Middlebury College).
[84] Aowen Cao and Emily Feng, "A Public Payphone in China Began Ringing and Ringing. Who Was Calling?," *NPR*, October 3, 2022.
[85] Christian Shepherd and Vic Chiang, "A Chinese Artist Fights Pollution with Rock Music," *Washington Post*, July 26, 2022.
[86] Hu Meng, "Qingkuang you dian fuza—Jianguo Xiongdi de linglei huanbao yu linglei yishu" [The situation is sort of complex—Nut Brother's alternative environmental protection and alternative art], *Initium*, September 18, 2022.
[87] "Severe Pollution in Seaside City Inspires Creative Protest," *China Dialogue*, July 21, 2022.
[88] Aowen Cao and Emily Feng, "A Public Payphone in China Began Ringing and Ringing. Who Was Calling?," *NPR*, October 3, 2022.
[89] Christian Shepherd and Vic Chiang, "A Chinese Artist Fights Pollution with Rock Music," *Washington Post*, July 26, 2022; Katerina Sushko, "Performance Artist Sheds Light on China's Environmental and Social Issues," *Arts Help*, accessed August 28, 2023; Chris Buckley and Adam Wu, "Amid Smog Wave, an Artist Molds a Potent Symbol of Beijing's Pollution," *New York Times*, December 1, 2015.
[90] Aowen Cao and Emily Feng, "A Public Payphone in China Began Ringing and Ringing. Who Was Calling?," *NPR*, October 3, 2022.
[91] "Huludao shi huiying quyu kongqi you yiwei: you wenti, xian ting zai gai" [Huludao municipality responds to odd-smelling air in locality; if there's a problem, first stop it, then make changes], *Phoenix Net*, July 22, 2022.
[92] Aowen Cao and Emily Feng, "A Public Payphone in China Began Ringing and Ringing. Who Was Calling?," *NPR*, October 3, 2022.
[93] Yuan Ye, "In China, a New Generation of Climate Activists Suddenly Emerges," *Sixth Tone*, November 9, 2022.
[94] Yueduan Wang and Ying Xia, "Judicializing Environmental Politics' China's Procurator-Led Public Interest Litigation against the Government," *China Quarterly* 253 (March 2023): 90. See also *Zhonghua Renmin Gongheguo Minshi Susong Fa* [PRC Civil Procedure Law], passed April 9, 1991, amended and effective June 27, 2017, art. 55; *Zhonghua Renmin Gongheguo Xingzheng Susong Fa* [PRC Administrative Procedure Law], passed April 4, 1989, amended and effective June 27, 2017, art. 25.
[95] Supreme People's Court, "Zuigao Renmin Fayuan huanjing gongyi susong zhuanti zhidaoxing anli xinwen fabuhui" [Press conference of the Supreme People's Court on the topic of environmental public interest litigation guiding cases], January 11, 2023; China Justice Observer, "SPC Releases Guiding Cases on Environmental Public Interest Litigation," February 13, 2023.
[96] Wei You, Shan Liang, Lei Feng, and Zexuan Cai, "Types of Environmental Public Interest Litigation in China and Exploration of New Frontiers," *International Journal of Environmental Research and Public Health* 20, no. 4 (February 13, 2023): 6–7.
[97] Yueduan Wang and Ying Xia, "Judicializing Environmental Politics' China's Procurator-Led Public Interest Litigation against the Government," *China Quarterly* 253 (March 2023): 90–91.
[98] Yueduan Wang and Ying Xia, "Judicializing Environmental Politics' China's Procurator-Led Public Interest Litigation against the Government," *China Quarterly* 253 (March 2023): 90.
[99] Wei You, Shan Liang, Lei Feng, and Zexuan Cai, "Types of Environmental Public Interest Litigation in China and Exploration of New Frontiers," *International Journal of Environmental Research and Public Health* 20, no. 4 (February 13, 2023): 11.

Findings

- Chinese and international businesses are at risk of complicity in—and of profiting from—the Chinese Communist Party and government's use of forced labor to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR). Reports of state-sponsored forced labor implicate supply chains of industries and products including automobile manufacturing, red dates, and cotton and the garment industry.
- Investigations found that Chinese fast fashion direct-to-consumer retailers Shein and Temu are linked to the XUAR and have exploited the US$800 de minimis threshold, which allows vendors to send shipments below that value without having to report basic data.
- A May 2023 report detailed how the U.S. Federal Government's employee retirement plan, the Thrift Savings Plan (TSP), included options to invest in Chinese companies that are on watchlists or are sanctioned by the U.S. Government for their ties to forced labor in the People's Republic of China (PRC) or surveillance efforts in the XUAR.
- Chinese and international companies were reported to be supporting the Chinese government's data collection, surveillance, and censorship. Some examples include:
  - China-based video surveillance manufacturer Uniview developed Uyghur recognition technology and co-authored ethnicity and skin color tracking policy standards;
  - Bresee, Uniview's sister company, provided artificial intelligence support relating to ethnicity tracking and facial recognition;
  - U.S.-sanctioned Dahua and Hikvision and New Jersey-based video surveillance manufacturer Infinova developed various "alarms" to help police identify and detect potential political protests;
  - Apple removed full AirDrop functionality in China by setting a 10-minute limit for the file-sharing feature;
  - Thermo Fisher Scientific sold DNA equipment to police in the Tibet Autonomous Region (TAR), where Human Rights Watch identified mass involuntary DNA collection programs; and
  - HSBC and PayPal HK targeted the League of Social Democrats, one of the last pro-democracy parties in Hong Kong, with forced closures of their accounts.
- Leading up to the PRC Counterespionage Law's July 1, 2023 effective date, the Commission observed reports of Chinese authorities targeting global firms including U.S.-headquartered corporation Mintz Group and U.S. consulting firm Bain & Company.
- Abusive practices toward workers were found in Chinese factories of third-party printing inkjet and toner cartridge manufacturers.

Recommendations

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

- Work with like-minded governments and legislatures to encourage implementation of policies and legislation similar to the Uyghur Forced Labor Prevention Act (Public Law No. 117-78), which prohibits the importation of goods made in whole or in part in the XUAR.
- Consider actions, including legislation as needed, that bolster supply chain transparency, such as requiring supply chain mapping, corporate disclosures, comprehensive human rights due diligence, and country of origin labels for goods purchased and sold online.
- Increase U.S. Customs and Border Protection funding to bolster its ability to monitor imported goods for links to forced labor in the PRC.
- Partner with like-minded governments to decrease reliance on imports from China and increase dialogue towards enhancing greater cooperation to resist PRC economic coercion.
- Consider introducing a resolution in the United Nations to request a new Special Representative on the issue of human rights and transnational corporations and other business enterprises to be appointed by the Secretary-General.
- Enhance interagency coordination to ensure alignment about companies that are sanctioned or blacklisted to avoid potential investments in Chinese or international firms implicated in genocide and crimes against humanity in the XUAR.
- Engage U.S. companies on human rights issues in China such as forced labor, government surveillance, government censorship, and worker rights. Such engagement should include:
  - Encouraging companies that source a significant percentage of their products from China to trace the supply chain of these goods to ensure that they are not linked to PRC state-sponsored forced labor. Members should encourage such companies to protect both workers and whistleblowers at their factories and facilities in China and worldwide;
  - Encouraging companies to change their approach to conducting due diligence in China, moving beyond codes of conduct and third-party factory audits, which have proven to be ineffective and even harmful;
  - Encouraging companies to consider implementing diversification plans to best protect themselves against PRC raids, bans, and economic coercion;
  - Encouraging companies to consider implementing Taiwan insurance plans to protect their employees in the event of a PRC invasion of Taiwan; and
  - Holding public hearings and private meetings with companies to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China face.

BUSINESS AND HUMAN RIGHTS

Introduction

The U.N. Guiding Principles on Business and Human Rights state that businesses have a responsibility to seek to avoid "causing or contributing to adverse human rights impacts."[1] China-based companies and international companies that seek to operate in the People's Republic of China (PRC) may find themselves complicit in, or at risk of complicity in, the PRC's human rights violations including surveillance, data collection, censorship, crimes against humanity,[2] and genocide.[3]

Former U.N. Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises John Ruggie referred to complicity as "indirect involvement by companies in human rights abuses—where the actual harm is committed by another party, including governments and non-State actors . . . it may not matter that the company was merely carrying out normal business activities if those activities contributed to the abuse and the company was aware or should have been aware of its contribution. The fact that a company was following orders, fulfilling contractual obligations, or even complying with national law will not, alone, guarantee it legal protection."[4]

Corporate Involvement in XUAR Forced Labor

Companies that do business in, source from, or work with companies in the Xinjiang Uyghur Autonomous Region (XUAR) are at risk of complicity in the human rights abuses being committed by the Chinese Communist Party and government in the region. In July 2022, U.N. Special Rapporteur on contemporary forms of slavery Tomoya Obokata issued a report which found that in some instances, forced labor involving Uyghurs, Kazakhs, and other ethnic minorities in the XUAR "may amount to enslavement as a crime against humanity."[5] In August 2022, the Office of the U.N. High Commissioner for Human Rights released an assessment of human rights concerns in the XUAR which included evidence of forced labor in "labor transfer" programs and in programs using the labor of current and former mass internment camp detainees.[6] With the release of the assessment, one expert advised it "was no longer possible for any state, business or individual to have plausible deniability about the wide-ranging human rights abuses that have, and are continuing to occur, in [the XUAR]."[7] The use of audits to determine whether products are free of forced labor in the XUAR remains unreliable.[8]

During the 2023 reporting year, the Commission observed the following reports detailing evidence of supply chains implicated or at risk of complicity in state-sponsored forced labor among minorities from the XUAR:

- **Automobile Manufacturing.** In December 2022, Sheffield Hallam University's Helena Kennedy Centre for International Justice and non-profit research organization NomoGaia released a report documenting how the production of automobile manufacturing materials, ranging from "hood decals and car

frames to engine casings, interiors and electronics," were found to be connected to Uyghur forced labor.[9] International automobile brands implicated included **BMW, Ford, Honda, Mercedes-Benz, Nissan, Tesla, Toyota, Volkswagen,** and **Audi.**[10]

- **Red Dates.** In August 2022, the Uyghur Human Rights Project published a report revealing how red dates have a high risk of being tainted by forced labor due to fruit intercropping with XUAR cotton and the Xinjiang Construction and Production Corps' (XPCC)[11] involvement in red date production.[12] The report documented more than 70 brands of red dates grown or processed in the XUAR distributed by U.S.-based wholesalers, including **Blooming Import** and **Growland Inc.,** which sell red dates online and to local stores in the Washington, D.C., metropolitan area.[13] These included at least three brands of dates labeled with "Bingtuan," representing the XPCC, on their packaging.[14]
- **Cotton and the Garment Industry.** According to an April 2023 report by the U.S. Department of Agriculture's Foreign Agricultural Service, roughly 91 percent of China's total cotton production occurs in the XUAR, with roughly one-third of the region's cotton output produced by the XPCC.[15] A report by scholar Adrian Zenz detailed ongoing labor transfer programs involved in the XUAR's cotton industry and the continued prevalence of the handpicking of cotton, despite official claims to the contrary.[16] A Bloomberg investigation found that garments of Chinese online fast fashion brand **Shein** shipped to the U.S. are made with XUAR cotton[17] and a global supply chain company found that products sold in the U.S. on e-commerce site **Temu** are linked to the XUAR.[18] In May 2023, three Europe-based nongovernmental organizations and a Uyghur plaintiff filed a complaint requesting a French judicial investigation into garment companies **Uniqlo, SMCP, Inditex,** and **Skechers USA** for concealing crimes against humanity and their reported links to Uyghur forced labor.[19]

The Uyghur Forced Labor Prevention Act

Effective since June 21, 2022, the Uyghur Forced Labor Prevention Act (UFLPA; Public Law No. 117-78) establishes a rebuttable presumption that all goods made in whole or in part in the XUAR have been made with forced labor, and that the importation of such goods is prohibited by Section 307 of the Tariff Act of 1930.[20] During this reporting year, however, Shein and Temu were reported to be exploiting the US$800 de minimis threshold[21] to avoid scrutiny of the goods they import into the United States.[22] In March 2023, U.S. Customs and Border Protection published a public dashboard to disclose enforcement statistics about shipments that have been subject to the UFLPA.[23] Industries displayed on the dashboard include electronics, apparel, footwear, and textiles; industrial and manufacturing materials; agriculture and prepared products; consumer products and mass merchandising; pharmaceuticals, health, and chemicals; machinery; base metals; and automotive and aerospace.[24] [For information on how government-sponsored forced labor violates international standards prohibiting human traf-

ficking and forced labor, see Chapter 10—Human Trafficking. For more information on government-sponsored forced labor in the XUAR, see Chapter 18—Xinjiang.]

U.S. Federal Employee Retirement Investments Linked to Rights Abuses in the XUAR

In addition to global supply chains, U.S. federal employee retirement investments have also been found to be linked to crimes against humanity and genocide in the XUAR. A May 2023 report detailed findings by research and advocacy group Coalition for a Prosperous America and consulting firm Kilo Alpha Strategies about how the U.S. federal government's employee retirement plan, the Thrift Savings Plan (TSP), included options to invest in Chinese companies that are on watchlists or are sanctioned by the U.S. Government.[25] Companies listed as options in the TSP include **Changhong Meiling Co. Ltd.,** which develops electronics and is linked to XUAR forced labor; **Huafu Fashion Co. Ltd.,** which is tied to forced labor in the XUAR's cotton industry; **Xiamen Meiya Pico Information Company,** which contributed to the PRC's surveillance efforts in the XUAR; and **Xinjiang Daqo New Energy Co.,** which is linked to forced labor in the XUAR's solar industry.[26]

Companies' Role in Government Data Collection, Surveillance, and Censorship across China

PRC law authorizes the government to collect individuals' data from companies without adequate protection for the internationally recognized right to privacy, and in the absence of an independent judiciary.[27] For example, the PRC Cybersecurity Law requires companies to provide technical support to authorities conducting criminal investigations or "safeguarding national security."[28] While the law does not specify what such technical support entails,[29] in the past, Chinese companies have processed bulk data to assist PRC intelligence services.[30] The PRC National Intelligence Law requires entities operating in China—including companies—to support authorities engaged in "intelligence work," without defining what the government considers "intelligence work."[31] [For more information on data collection and surveillance, see Chapter 16—Technology-Enhanced Authoritarianism.]

DATA COLLECTION AND SURVEILLANCE

Companies were reported to be supporting the PRC's data collection and surveillance efforts. Reporting from technology research firm IPVM found that China-based video surveillance manufacturer **Uniview,** a key supplier of PRC surveillance technology, developed Uyghur recognition technology and co-authored ethnicity and skin color tracking policy standards to support security forces and government projects.[32] **Bresee,** Uniview's sister company and a partner of **Huawei,** provided artificial intelligence (AI) support relating to ethnicity tracking and facial recognition.[33] China-based camera manufacturer **Dahua** developed "banner alarms" to detect unfurled banners in "indoor halls or relatively empty outdoor [city] squares [and] roads" to identify potential political protests, while

Hikvision created protest-related "alarms" to help police track and locate crowds.[34] New Jersey-based video surveillance manufacturer **Infinova** also produced surveillance cameras with the "unfurled banner detection" capability, according to IPVM.[35]

In November 2022, intelligence company Recorded Future published a report detailing PRC government procurement of products from American companies for surveillance or data collection purposes.[36] For example, California-based **Western Digital** and **Seagate Technology** sold surveillance-specialized hard disk drives to Xinjiang Uyghur Autonomous Region (XUAR) government entities—including the U.S.-sanctioned Xinjiang Production and Construction Corps (XPCC).[37] Public security bureaus in the XUAR, including in Urumqi municipality and Changji Hui Autonomous Prefecture, procured **Seagate's SkyHawk** series of surveillance-specialized storage products.[38] The Hainan Province Public Security Department purchased hardware from U.S. companies **IBM, Cisco, Comtech,** and **Motorola Solutions** to assist with command center communications, mass surveillance and intelligence gathering.[39] The report also highlighted how **Ryan Technologies,** a California-based information technology consulting firm,[40] facilitated the transfer of foreign technology, including from the United States, to public security entities in China.[41]

PRC government tenders revealed police purchased DNA equipment from **Thermo Fisher Scientific** to be used in the Tibet Autonomous Region (TAR),[42] where Human Rights Watch identified mass involuntary DNA collection programs.[43] The Commission wrote to Thermo Fisher in December 2022 to inquire about the possibility that Thermo Fisher DNA sequencers and kits may have been used by TAR law enforcement agencies in mass DNA collection programs in recent years.[44] Although Thermo Fisher replied to the Commission in January 2023,[45] Tibetan activists raised concerns that the company had not thoroughly addressed the issues at hand.[46] Human Rights Watch previously raised concerns about the company's sales of DNA sequencers to XUAR government entities.[47] [For more information about how mass biometric data collection violates human rights in the TAR, see Chapter 17—Tibet. For more information on human rights violations and biometric data collection in the XUAR, see Chapter 18—Xinjiang.]

Because companies must comply with demands to provide information and access to data under the PRC's cybersecurity and data security laws,[48] several foreign governments highlighted privacy and security concerns for overseas users of **TikTok,** owned by Chinese company **ByteDance.**[49] Locations, internet protocol (IP) addresses, and personal financial information of TikTok users, creators, and businesses are reportedly accessible via servers in China.[50] [For information on TikTok's role in government censorship, see below in this section.]

GOVERNMENT CENSORSHIP, REMOVALS, AND CLOSURES

The PRC government restricted freedom of expression during this reporting year, and companies were both targets and enablers of Chinese government censorship. Examples include:

- Chinese platforms removed content that does not support PRC narratives.

- In March 2023, the Cyberspace Administration of China launched a campaign to ban media deemed as "rumors, harmful information, and false news" in "self-media" (*zi meiti*)[51] resulting in closure of more than 66,600 accounts on Chinese social media platforms, including microblog **Weibo,** and video-sharing platforms **Kuaishou** and **Douyin.**[52]
- **Weibo** blocked hashtags, including "Haidian," "Beijing," and "Sitong Bridge," following an October 2022 banner protest, which took place at Sitong Bridge, located in Haidian district, Beijing municipality.[53] Leading up to the anniversary of the 1989 Tiananmen protests and their violent suppression, Chinese search engine Baidu censored search results for maps relating to Sitong Bridge.[54]
- **ByteDance's** news platform **Toutiao** removed an essay that suggested Xi Jinping was responsible for China's high levels of youth unemployment, according to China Digital Times in April 2023.[55] The essay belonged to the "Kong Yiji" genre that addresses how college graduates are choosing between unemployment in pursuit of a white-collar career or stability in a blue-collar career.[56]
- **ByteDance's** video-sharing platform **Douyin** censors content that criticizes the Chinese Communist Party and government,[57] as well as other content.[58] On June 2, 2023, Douyin issued censorship guidance banning official accounts from posting content, and "key opinion leaders" from posting advertising content on and around June Fourth.[59] The guidance also included a warning to monitor comment sections of old posts for symbols relating to the 1989 democracy movement and the violent suppression of the Tiananmen protests.[60]

- **Apple** removed:
  - the social networking app "Damus" in China. The app, which had the ability to evade government censorship and included "content that is illegal," had failed a PRC government security assessment.[61]
  - websites in Hong Kong by aligning the privacy policy of their browser, Safari, in Hong Kong with **Tencent's** filter which blocks "deceptive" websites.[62] Among those websites temporarily blocked by the filter were GitLab, a code-sharing website; Coinbase, a cryptocurrency exchange platform; and Mastodon, a social media platform.[63]
  - full AirDrop functionality in China, by setting a 10-minute limit to the file-sharing feature for Apple products.[64] AirDrop was previously commonly used by protesters in mainland China to circumvent official censorship, and in Hong Kong to coordinate with other protesters.[65]
- **Disney** removed content in Hong Kong. In February 2023, the Financial Times reported that an episode of "The Simpsons" was removed from Disney Plus, Disney's streaming service, in Hong Kong.[66] The episode, which initially aired in October 2022, made a reference to "forced labour camps where children make smartphones" in China.[67] The Hong Kong govern-

ment and Disney did not comment on whether the government requested the removal.[68] A Hong Kong-based scholar speculated that Disney engaged in self-censorship to maintain its business ties in China.[69] [For more information on censorship in Hong Kong, see Chapter 19—Hong Kong and Macau.]

- AI chatbots created by Chinese companies such as **Alibaba, Baidu,** and **SenseTime Group Inc.,**[70] are required to adhere to PRC regulations, including two new regulations on generative AI: the Provisions on the Administration of Deep Synthesis Internet Information Services[71] and draft Measures for the Management of Generative Artificial Intelligence Services.[72] Under these two new regulations and similar to prior internet regulations, technology companies would be responsible for content management and censorship.[73] According to a China law expert, "... unclear standards for permissible content and harsh penalties could lead service providers to overcensor, or hobble their products, as they try to avoid liability. Unfortunately, this type of chilling effect is common in Chinese speech regulation."[74]
- **HSBC** and **PayPal HK** targeted the League of Social Democrats (LSD), one of the last pro-democracy parties in Hong Kong.[75] The LSD posted on Facebook about the forced closure of their PayPal HK account in October 2022.[76] PayPal cited "excessive risks" as the reason for the closure of the LSD's account.[77] In April and May 2022, HSBC closed three bank accounts belonging to the LSD, hindering the LSD from continuing their work and receiving donations from supporters.[78] In a letter to HSBC, the leader of the LSD described the forced closures as an act to "reduce the freedom of expression and freedom of choice of ordinary Hongkongers."[79] The forced termination of the LSD's PayPal and HSBC accounts are likely to be politically motivated to obstruct the LSD's work in light of the National Security Law.[80]

[For more information on censorship and suppression of expression, see Chapter 1—Freedom of Expression.]

Amendments to the PRC Counterespionage Law and Impact on Global Businesses

Given the lack of safeguards for the freedoms of expression and association in the PRC, international corporations doing business in China are at risk of not only corporate complicity, but also government raids or investigations, and subject to the legal risks of noncompliance with PRC laws.

In April 2023, the National People's Congress Standing Committee amended the PRC Counterespionage Law (effective July 1, 2023) in ways that may negatively affect government transparency and subject company employees to arbitrary detention.[81] The revised law broadened the definition of acts of "espionage," and further granted state security agencies authority to investigate such activities.[82] Under the law's expanded application, foreign enterprises may trigger investigations and "face unexpected risks" by conducting what are otherwise normal business operations such as recruitment of local talent, cross-border projects, and research initiatives with overseas partners.[83]

An expert advised that "what due-diligence firms do in China puts them in conflict with how China thinks about information and what information should be shared with foreigners."[84] Leading up to the revised PRC Counterespionage Law's effective date, the Commission observed how Chinese authorities were targeting global firms with raids and investigations.[85] For example, in March 2023, Chinese authorities raided the Beijing municipality office of **Mintz Group,** a U.S.-headquartered corporation, and held five local staff members incommunicado.[86] Prior to the raid, Mintz Group reportedly conducted due diligence work examining supply chain links to forced labor in the XUAR.[87] Chinese police, in addition, visited the Shanghai municipality office of U.S. consulting firm **Bain & Company** more than once to interrogate employees and to confiscate computers and phones.[88]

Exporting China's Censorship

In July 2022, the U.S. International Trade Commission issued a report which found "some businesses consider the costs of complying with Chinese censorship as part of the cost of doing business in China . . ., while other firms may not consider complying with Chinese censorship to be costly, as the benefits of gaining access to the Chinese market outweigh the costs associated with Chinese censorship."[89] Companies can face expulsion from the Chinese market, loss of revenue, or other forms of punishment for speech or actions that do not align with PRC narratives or censorship guidelines.[90] As a result, international companies often self-censor or assist the PRC in exporting censorship for the sake of maintaining market access, while Chinese companies operating overseas adhere to PRC censorship.[91] Instances of exported censorship and self-censorship outside of China during this reporting period include:

- **Tencent's WeChat** censoring content overseas, including posts that were "positive towards the United States," with an account being shut down after posting an article that favorably reviewed the 2020 U.S. presidential election.[92] In September

2022, WeChat warned users outside of China that their personal data, including browsing and search history, would be transmitted to China, raising concerns about censorship from users overseas.[93] Overseas WeChat users from the Chinese diaspora are often hesitant to publicly disclose their experiences of censorship and harassment due to fears of government retaliation against their family members in China.[94] [For more information about transnational repression by the PRC government, see Chapter 20—Human Rights Violations in the U.S. and Globally.]

- Social media app **TikTok,** owned by Chinese company **ByteDance** suspending or banning U.S.-based accounts of those critical of PRC rights abuses, including non-profit Acton Institute's account, for posts about the documentary "The Hong Konger: Jimmy Lai's Extraordinary Struggle for Freedom,"[95] and professional basketball player Enes Freedom's account, for posting about the PRC's human rights violations.[96] **TikTok** also tracked or filtered "sensitive" posts, such as queries about the violent suppression of the 1989 Tiananmen protests, and independence for Hong Kong and Taiwan.[97]
- China-based video game developer **miHoYo's** censorship of international versions of its games, by applying domestic censorship rules which led to warning or banning players who used "sensitive" words or phrases when setting up their profiles.[98] Such censorship appears to be expanding on miHoYo's past-reported practice of replacing such "sensitive" phrases with asterisks in chat feeds.[99]

Worker Exploitation and Abusive Labor Practices

The lack of protection for Chinese workers under Chinese law and the lack of enforcement of existing Chinese laws allow for abusive practices toward workers in Chinese factories of global businesses. The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.[100]

A report by China Labor Watch, a U.S.-based nongovernmental organization, found instances of abuse and rights violations in Chinese factories of third-party printing inkjet and toner cartridge manufacturers **Zhuhai Mingtu Technology Co. Ltd.,** and **Zhuhai Chaojun Co. Ltd.,** under **Dinglong Co. Ltd.,** in Zhuhai municipality, Guangdong province.[101] The report included examples of workers' unpaid overtime, unsafe working conditions, discriminatory recruitment processes, illegal employment of underage workers, and psychological abuse.[102] The report also detailed the absence of unions or independent worker representatives for workers to freely address workplace issues.[103]

Information emerged during this reporting year on forced labor by prisoners at Chishan Prison, located in Yuanjiang city, Yiyang municipality, Hunan province. **Lee Ming-cheh,** a Taiwanese human rights activist held in Chishan Prison from 2017 to 2022, detailed how he was forced to make gloves bearing the branding of American tool manufacturing company **Milwaukee Tool** while in prison.[104] Shi Minglei described how prison authorities have subjected her husband **Cheng Yuan,** the co-founder of an anti-health

discrimination nongovernmental organization who currently is imprisoned in Chishan Prison, to forced labor to sew gloves.[105] A May 2023 investigative report detailed that political prisoners were forced to produce gloves in Chishan Prison for **Shanghai Select Safety Products,** which is one of the suppliers for Milwaukee Tool.[106] [For more information on the rights of workers in China, see Chapter 11—Worker Rights.]

Notes to Chapter 14—Business and Human Rights

[1] Office of the U.N. High Commissioner for Human Rights, Guiding Principles on Business and Human Rights HR/PUB/11/04, June 16, 2011, principle 13.

[2] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7; Council on Foreign Relations, "China's Repression of Uyghurs in Xinjiang," updated September 22, 2022. See also Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 258, 307.

[3] Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2022, art. 6; Newlines Institute for Strategy and Policy and Raoul Wallenberg Centre for Human Rights, "The Uyghur Genocide: An Examination of China's Breaches of the 1948 Genocide Convention," March 2021, 49–50; Beth Van Schaack, "Genocide Against the Uyghurs: Legal Grounds for the United States' Bipartisan Genocide Determination," *Just Security,* January 27, 2021; Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), approved by U.N. General Assembly resolution 260 (III) of December 9, 1948, entry into force January 12, 1951, art. 2; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Prevention and Punishment of the Crime of Genocide, accessed July 11, 2023.

[4] U.N. Human Rights Council, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, A/HRC/8/5, April 7, 2008, paras. 73, 80.

[5] U.N. Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, A/HRC/51/26, July 19, 2022, paras. 23–24. See also Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1, 2002, art. 7(c).

[6] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 118–23.

[7] John Power, "UN Report on Xinjiang Ups Pressure on Brands from Nike to Airbnb," *Al Jazeera,* September 1, 2022.

[8] "Common Concerns about Addressing Uyghur Forced Labor," Helena Kennedy Centre for International Justice, Sheffield Hallam University, Issue Brief 4 (May 2023). For a discussion on audits in the XUAR from the Commission's 2022 reporting year, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 260.

[9] Laura T. Murphy et al., "Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region," Helena Kennedy Centre for International Justice, Sheffield Hallam University, December 2022.

[10] Laura T. Murphy et al., "Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region," Helena Kennedy Centre for International Justice, Sheffield Hallam University, December 2022, 1, 14, 36, 41.

[11] The XPCC is a paramilitary organization that advances Chinese Communist Party control over the XUAR. U.S. Department of the Treasury. "Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order," July 31, 2020. For a discussion of the XPCC and its links to human rights abuses in the XUAR from the Commission's 2020 reporting year, see Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 240–41.

[12] Nuzigum Setiwaldi, Uyghur Human Rights Project, "Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves," August 28, 2022, 1, 5, 7–8.

[13] Nuzigum Setiwaldi, Uyghur Human Rights Project, "Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves," August 28, 2022, 1, 13, 15, 24.

[14] Nuzigum Setiwaldi, Uyghur Human Rights Project, "Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves," August 28, 2022, 1, 12.

[15] Global Agricultural Information Network, Foreign Agricultural Service, U.S. Department of Agriculture, "Cotton and Products Annual: People's Republic of China," April 5, 2023, 3.

[16] Adrian Zenz, "Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor," *Journal of Communist and Post-Communist Studies* 56, no. 2 (June 2023): 4–5, 18–19.

[17] Sheridan Prasso, "Shein's Cotton Tied to Chinese Region Accused of Forced Labor," *Bloomberg*, November 20, 2022.

[18] Sheridan Prasso, "Temu Sells Products in US Linked to Forced Labor in China's Uyghur Region, Analysis Shows," *Bloomberg*, June 13, 2023.

[19] Sherpa, Collectif Ethique sur l'Etiquette, and European Uyghur Institute, "Uyghur Forced Labor: NGOs File New Complaint Requesting Judicial Investigation against Garment Companies," May 17, 2023. The NGOs filed the new complaint after the prosecutor's office closed the inquiry on a complaint they filed in April 2021, saying it lacked jurisdiction to prosecute the offense.

[20] Uyghur Forced Labor Prevention Act (Public Law 117–78). See also U.S. Customs and Border Protection, "CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang," January 13, 2021; U.S. Customs and Border Protection, "Uyghur Forced Labor Prevention Act: U.S. Customs and Border Protection Operational Guidance for Importers," June 13, 2022.

[21] Josh Zumbrun, "How a Trade Loophole May Be Letting in Chinese Imports Made with Forced Labor," *Wall Street Journal*, May 26, 2023; Congressional-Executive Commission on China, "Bipartisan Group of Lawmakers Seeks Answers From Administration about Enforce-

ment of Forced Labor Legislation," April 11, 2023. The de minimis threshold allows vendors to send shipments without having to report basic data, if the value is under US$800.

[22] Sheridan Prasso, "Shein's Cotton Tied to Chinese Region Accused of Forced Labor," *Bloomberg*, November 20, 2022; Ana Swanson and Claire Fu, "Congress Spotlights 'Serious' Forced Labor Concerns with Chinese Shopping Sites," *New York Times*, June 22, 2023.

[23] U.S. Customs and Border Protection, "Uyghur Forced Labor Prevention Act Statistics," accessed June 12, 2023.

[24] U.S. Customs and Border Protection, "Uyghur Forced Labor Prevention Act Statistics," accessed June 12, 2023. See chart titled "Shipment Count by Industry and Exam Result."

[25] Valerie Bauman and Didi Kirsten Tatlow, "Chinese Firms That Threaten U.S. Security Can Get Investment from Federal Employees," *Newsweek*, May 22, 2023.

[26] Valerie Bauman and Didi Kirsten Tatlow, "Chinese Firms That Threaten U.S. Security Can Get Investment from Federal Employees," *Newsweek,* May 22, 2023. For more information on individual companies, see the chart titled "Sanctioned Chinese Companies Available Via TSP." For Changhong Meiling Co. Ltd., see the fourth slide; for Huafu Fashion Co. Ltd., see the seventh slide; for Xiamen Meiya Pico Information Company and Xinjiang Daqo New Energy Co., see the tenth slide.

[27] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art 12; International Covenant on Civil and Political Rights (ICCPR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 17; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 30, 2023. China has signed but not ratified the ICCPR. See also U.N. Human Rights Council, The Right to Privacy in the Digital Age, Report of the United Nations High Commissioner for Human Rights, A/HRC/39/29, August 3, 2018, paras. 5–11, 17, 23; U.N. General Assembly, Resolution Adopted by U.N. General Assembly on December 18, 2013: 68/167. The Right to Privacy in the Digital Age, A/RES/68/167, January 21, 2014.

[28] *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, art. 28; National Counterintelligence and Security Center, "Safeguarding our Future," June 20, 2023; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 216.

[29] *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, art. 28; Donald C. Clarke, "The Zhong Lun Declaration on the Obligations of Huawei and Other Chinese Companies under Chinese Law," Social Science Research Network, posted March 28, 2019, 9–11; Amnesty International, "When Profits Threaten Privacy—5 Things You Need to Know about Apple in China," February 27, 2018.

[30] Zach Dorfman, "Tech Giants are Giving China a Vital Edge in Espionage," *Foreign Policy*, December 23, 2020.

[31] *Zhonghua Renmin Gongheguo Guojia Qingbao Fa* [PRC National Intelligence Law], passed June 27, 2017, effective June 28, 2017, arts. 7, 14; Donald C. Clarke, "The Zhong Lun Declaration on the Obligations of Huawei and Other Chinese Companies under Chinese Law," Social Science Research Network, posted March 28, 2019, 9–11; Murray Scot Tanner, "Beijing's New National Intelligence Law: From Defense to Offense," *Lawfare* (blog), July 20, 2017.

[32] Charles Rollet and Conor Healy, "Uniview PRC China Investigation: State Surveillance, Xinjiang/Tibet, and the CCP," IPVM, February 20, 2023.

[33] Charles Rollet and Conor Healy, "Uniview PRC China Investigation: State Surveillance, Xinjiang/Tibet, and the CCP," IPVM, February 20, 2023.

[34] Charles Rollet, "Dahua Selling Protestor / Banner Alarms, Deletes Evidence," IPVM, May 30, 2023; Johana Bhuiyan, "Police in China Can Track Protests by Enabling 'Alarms' on Hikvision Software," *Guardian*, December 29, 2022; Federal Register, "Addition of Certain Entities to the Entity List," October 9, 2019. China-based companies Dahua and Hikvision were sanctioned by the United States in 2019.

[35] Charles Rollet, "Dahua Selling Protestor / Banner Alarms, Delete Evidence," IPVM, May 30, 2023.

[36] Zoe Haver, "The Role of US Technology in China's Public Security System," Insikt Group, Recorded Future, November 1, 2022, 22.

[37] Zoe Haver, "The Role of US Technology in China's Public Security System," Insikt Group, Recorded Future, November 1, 2022, 22.

[38] Zoe Haver, "The Role of US Technology in China's Public Security System," Insikt Group, Recorded Future, November 1, 2022, 40.

[39] Zoe Haver, "The Role of US Technology in China's Public Security System," Insikt Group, Recorded Future, November 1, 2022, 18, 19.

[40] Ryan Technologies Group, LLC, (webpage), accessed June 29, 2023.

[41] Zoe Haver, "The Role of US Technology in China's Public Security System," Insikt Group, Recorded Future, November 1, 2022, 2, 12, 13.

[42] Mara Hvistendahl, "Tibetan Police Bought Thermo Fisher DNA Equipment, Chinese Government Documents Show," *Intercept*, September 13, 2022.

[43] Human Rights Watch, "China: New Evidence of Mass DNA Collection in Tibet," September 5, 2022.

[44] Letter from Jeffrey A. Merkley, James P. McGovern, Marco Rubio, and Christopher H. Smith, Commissioners, Congressional-Executive Commission on China, to Marc N. Casper, Chairman, President and CEO, Thermo Fisher Scientific, December 15, 2022.

[45] Letter from Marc N. Casper, Chairman, President and CEO, Thermo Fisher Scientific, to Jeffrey A. Merkley, Christopher H. Smith, Marco Rubio, and James P. McGovern, Commissioners, Congressional-Executive Commission on China, January 24, 2023.

[46] Free Tibet, Students for a Free Tibet, and International Tibet Network, "Tibet Group Response to Thermo Fisher's Flawed Reply to the Congressional Executive Commission on China," February 28, 2023.

[47] Human Rights Watch, "China: Minority Region Collects DNA from Millions," December 13, 2017.
[48] Kristen E. Busch, "TikTok: Recent Data Privacy and National Security Concerns," *CRS Insight*, Congressional Research Service, IN12131, March 29, 2023; *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, arts. 9, 28; *Zhonghua Renmin Gongheguo Shuju Anquan Fa* [PRC Data Security Law], passed June 10, 2021, effective September 1, 2021, arts. 24, 35; *Zhonghua Renmin Gongheguo Geren Xinxi Baohu Fa* [PRC Personal Information Protection Law], passed August 20, 2021, effective November 1, 2021, arts. 13, 26, 35, 58(4).
[49] Kelvin Chan, "Here Are the Countries That Have Bans on TikTok," *Associated Press*, April 4, 2023; Sapna Maheshwari and Amanda Holpuch, "Why Countries Are Trying to Ban TikTok," *New York Times*, May 23, 2023.
[50] Alexandra S. Levine, "TikTok Creators' Financial Info, Social Security Numbers Have Been Stored in China," *Forbes*, May 30, 2023; Emily Baker-White, "TikTok Parent ByteDance Planned to Use TikTok to Monitor the Physical Location of Specific American Citizens," *Forbes*, October 20, 2022.
[51] Cyberspace Administration of China, "Guanyu kaizhan 'Qinglang Congyan Zhengzhi "Zi Meiti" Luanxiang Zhuanxiang Xingdong de tongzhi" [Circular on launching the special action of "Cleaning and Strictly Rectifying the Chaos of 'Self Media'"], issued March 2, 2023, effective March 12, 2023; Li Xin, "China Targets Self-Media Accounts to Rein in Rumors," *Sixth Tone*, March 13, 2023.
[52] Cyberspace Administration of China, "Qinglang Congyan Zhengzhi 'Zi Meiti' luanxiang zhuanxiang xingdong qude jieduanxing chengxiao" [Special action of "Cleaning and Strictly Rectifying the Chaos of 'Self Media'" has achieved results], May 27, 2023.
[53] Daisuke Wakabayashi and Claire Fu, "China's Internet Censors Race to Quell Beijing Protest Chatter," *New York Times*, October 14, 2022.
[54] Amy Hawkins, "Chinese Censors Remove Protest Site Sitong Bridge from Online Maps," *Guardian*, June 2, 2023.
[55] "Censors Delete Essay That Blames Xi Jinping for Poverty of 'Kong Yiji,'" *China Digital Times*, April 12, 2023.
[56] "Censors Delete Essay That Blames Xi Jinping for Poverty of 'Kong Yiji,'" *China Digital Times*, April 12, 2023; Michael Schuman, "The End of Optimism in China," *Atlantic*, June 29, 2023. See also "Word(s) of the Week: 'Kong Yiji Literature' (*Kong yiji wenxue*)." *China Digital Times*, March 29, 2023.
[57] Allison Hung and Charles Rollet, "Douyin Bans Pro-LGBT Content," IPVM, January 3, 2023.
[58] "How Douyin Censors Anti-PRC, Communist Party Content," IPVM, December 28, 2022.
[59] "Minitrue: June 4 Content Restrictions for Douyin Official Accounts and Key Opinion Leaders," *China Digital Times*, June 2, 2023.
[60] "Minitrue: June 4 Content Restrictions for Douyin Official Accounts and Key Opinion Leaders," *China Digital Times*, June 2, 2023.
[61] Gu Ting and Chingman, "Apple Takes Down Anonymous Social Media App Damus from China App Store," *Radio Free Asia*, February 3, 2023; Damus (@damusapp), "That was fast," Twitter, February 2, 2023, 1:54 p.m.
[62] Sam Biddle, "Apple Brings Mainland Chinese Web Censorship to Hong Kong," *Intercept*, January 26, 2023.
[63] Sam Biddle, "Apple Brings Mainland Chinese Web Censorship to Hong Kong," *Intercept*, January 26, 2023; Newley Purnell, "American Tech Giants Are Slowly Cutting Off Hong Kong Internet Users," *Wall Street Journal*, June 12, 2023.
[64] Zachary M. Seward, "Apple Hobbled a Crucial Tool of Dissent in China Weeks before Widespread Protests Broke Out," *Quartz*, November 27, 2022.
[65] Zachary M. Seward, "Apple Hobbled a Crucial Tool of Dissent in China Weeks before Widespread Protests Broke Out," *Quartz*, November 27, 2022.
[66] Chan Ho-him, "Disney Cuts 'Simpsons' Episode with China Labour Camp Reference in Hong Kong," *Financial Times*, February 6, 2023; Sara Fischer and Rebecca Falconer, "Disney Drops 'Simpsons' Episode in Hong Kong That Mentions 'Forced Labor,'" *Axios*, February 6, 2023.
[67] Chan Ho-him, "Disney Cuts 'Simpsons' Episode with China Labour Camp Reference in Hong Kong," *Financial Times*, February 6, 2023; Sara Fischer and Rebecca Falconer, "Disney Drops 'Simpsons' Episode in Hong Kong That Mentions 'Forced Labor,'" *Axios*, February 6, 2023.
[68] Chan Ho-him, "Disney Cuts 'Simpsons' Episode with China Labour Camp Reference in Hong Kong," *Financial Times*, February 6, 2023.
[69] Chan Ho-him, "Disney Cuts 'Simpsons' Episode with China Labour Camp Reference in Hong Kong," *Financial Times*, February 6, 2023.
[70] Raffaele Huang, "China Moves to Censor AI," *Wall Street Journal*, April 11, 2023.
[71] Cyberspace Administration of China, Ministry of Public Security, and Ministry of Industry and Information Technology, *Hulian Wang Xinxi Fuwu Shendu Hecheng Guanli Guiding* [Provisions on the Administration of Deep Synthesis Internet Information Services], passed November 3, 2022, effective January 10, 2023. See also the unofficial translation: "Provisions on the Administration of Deep Synthesis Internet Information Services," translated in *China Law Translate*, December 11, 2022.
[72] Cyberspace Administration of China, "Guanyu 'Shengchengshi Rengong Zhineng Fuwu Guanli Banfa' (zhengqiu yijian gao)' gongkai zhengqiu yijian de tongzhi" [Circular regarding the open solicitation of comments on the "Measures for the Management of Generative Artificial Intelligence Services (draft for comment)—April 11, 2023. See also the following unofficial translation: "Translation: Measures for the Management of Generative Artificial Intelligence Services (Draft for Comment)—April 2023," translated in *China Law Translate*, April 11, 2023.
[73] Cyberspace Administration of China, Ministry of Public Security, and Ministry of Industry and Information Technology, *Hulian Wang Xinxi Fuwu Shendu Hecheng Guanli Guiding* [Provi-

sions on the Administration of Deep Synthesis Internet Information Services], passed November 3, 2022, effective January 10, 2023; Cyberspace Administration of China, "Guanyu 'Shengchengshi Rengong Zhineng Fuwu Guanli Banfa' (zhengqiu yijian gao)' gongkai zhengqiu yijian de tongzhi" [Circular regarding the open solicitation of comments on the "Measures for the Management of Generative Artificial Intelligence Services (draft for comment)], April 11, 2023; Laney Zhang, "China: Provisions on Deep Synthesis Technology Enter Into Effect.," *Global Legal Monitor*, Library of Congress, April 26, 2023; Congressional-Executive Commission on China, *2019 Annual Report* (Washington: November 18, 2019), 45–46; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 243–44; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 217–18; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 262–64.

[74] Jeremy Daum, "Overview of Draft Measures on Generative AI," *China Law Translate,* April 14, 2023.

[75] Lea Mok, "HSBC Terminates Bank Accounts of Hong Kong Opposition Party League of Social Democrats Without Giving Reason," *Hong Kong Free Press,* June 5, 2023.

[76] Hong Kong League of Social Democrats (*Shehui minzhu lianxian*), "PayPal HK fa han zhongzhi fuwu. Jingqing zhichizhe gaiyong qita tujing juankuan" [PayPal HK sends a letter to terminate service. Supporters, please find other ways to donate], Facebook, October 12, 2022; Peter Lee, "PayPal HK Halts Payments to Hong Kong Pro-Democracy Group, Citing Unspecified 'Excessive Risks,'" *Hong Kong Free Press,* October 13, 2022.

[77] Peter Lee, "PayPal HK Halts Payments to Hong Kong Pro-Democracy Group, Citing Unspecified 'Excessive Risks,'" *Hong Kong Free Press*, October 13, 2022.

[78] Lea Mok, "HSBC Terminates Bank Accounts of Hong Kong Opposition Party League of Social Democrats Without Giving Reason," *Hong Kong Free Press*, June 5, 2023.

[79] Tom Grundy, "Hong Kong Opposition Party League of Social Democrats Urges HSBC to Reverse Unexplained Account Closures," *Hong Kong Free Press,* June 19, 2023.

[80] Lea Mok, "HSBC Terminates Bank Accounts of Hong Kong Opposition Party League of Social Democrats Without Giving Reason," *Hong Kong Free Press,* June 5, 2023; Tom Grundy, "Hong Kong Opposition Party League of Social Democrats Urges HSBC to Reverse Unexplained Account Closures," *Hong Kong Free Press,* June 19, 2023; Peter Lee, "PayPal HK Halts Payments to Hong Kong Pro-Democracy Group, Citing Unspecified 'Excessive Risks,'" *Hong Kong Free Press,* October 13, 2022.

[81] *Zhonghua Renmin Gongheguo Fan Jiandie Fa* [PRC Counterespionage Law], passed November 1, 2014, amended April 26, 2023, effective July 1, 2023. See also the following unofficial translation: "Counter-Espionage Law of the P.R.C. (2023 ed.)," translated in *China Law Translate,* April 26, 2023.

[82] *Zhonghua Renmin Gongheguo Fan Jiandie Fa* [PRC Counterespionage Law], passed November 1, 2014, amended April 26, 2023, effective July 1, 2023; Todd Liao, "China's New 'Anti-Espionage Law' Raises Complex Compliance Issues for Multinational Corporations," Morgan Lewis, May 2023, 2–3, 5. See also the following unofficial translation: "Counter-Espionage Law of the P.R.C. (2023 ed.)," translated in *China Law Translate,* April 26, 2023.

[83] Todd Liao, "China's New 'Anti-Espionage Law' Raises Complex Compliance Issues for Multinational Corporations," Morgan Lewis, May 2023, 3–4.

[84] Elaine Yu and Dan Strumpf, "U.S. Companies in China Worry Due Diligence Will End in Spy Dramas," *Wall Street Journal,* May 5, 2023.

[85] Michael Martina and Yew Lun Tian, "China Detains Staff, Raids Office of US Due Diligence Firm Mintz Group," *Reuters,* March 24, 2023; Demetri Sevastopulo, Ryan McMorrow, and Leo Lewis, "Chinese Police Question Employees at Bain's Shanghai Office," *Financial Times,* April 26, 2023.

[86] Michael Martina and Yew Lun Tian, "China Detains Staff, Raids Office of US Due Diligence Firm Mintz Group," *Reuters,* March 24, 2023.

[87] James Pomfret and Engen Tham, "Exclusive: US Consultancy Mintz's Executives Leave Hong Kong after China Raid," *Reuters,* May 19, 2023.

[88] Demetri Sevastopulo, Ryan McMorrow, and Leo Lewis, "Chinese Police Question Employees at Bain's Shanghai Office," *Financial Times,* April 26, 2023.

[89] United States International Trade Commission, "Foreign Censorship, Part 2: Trade and Economic Effects on U.S. Businesses," July 2022, 42.

[90] Freedom House, "China" in *Freedom on the Net 2022: Countering an Authoritarian Overhaul of the Internet,* October 2022; United States International Trade Commission, "Foreign Censorship, Part 1: Policies and Practices Affecting U.S. Businesses," February 2022, 36; Human Rights Foundation, "Corporate Intimidation & Censorship in China: Recommendations for Foreign Companies," June 2020; *How China Uses Economic Coercion to Silence Critics and Achieve Its Political Aims Globally, Hearing of the Congressional-Executive Commission on China,* 117th Cong. (2021); Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 261, 263–64.

[91] Human Rights Foundation, "Corporate Intimidation & Censorship in China: Recommendations for Foreign Companies," June 2020; *Freedom House*, "China" in *Freedom on the Net 2022: Countering an Authoritarian Overhaul of the Internet,* October 2022.

[92] Seth Kaplan, "China's Censorship Reaches Globally through WeChat," *Foreign Policy,* February 28, 2023.

[93] Yitong Wu and Chingman, "WeChat Warns Users Their Likes, Comments and Histories Are Being Sent to China," *Radio Free Asia,* September 8, 2022.

[94] Seth Kaplan, "China's Censorship Reaches Globally through WeChat," *Foreign Policy,* February 28, 2023.

[95] Acton Institute, "Acton Institute's TikTok Account Suspended for Posting Content about Jimmy Lai Documentary, Hong Kong," May 3, 2023.

[96] Enes Freedom (@EnesFreedom), "I bought myself a second phone and downloaded Tiktok to start posting about #China's human rights abuses. It literally took the #CCP one week to ban me permanently. Tiktok is a Chinese Communist surveillance vehicle!," Twitter, March 23, 2023, 11:09 a.m.; Drew Harwell, "TikTok Admits It Banned Former NBA Player Critical of China," *Washington Post,* March 24, 2023. Enes Freedom's TikTok account was reinstated after the March 23, 2023 congressional testimony of TikTok CEO Shou Zi Chew in front of the House Committee on Energy and Commerce. David Shepardson and Rami Ayyub, "TikTok Congressional Hearing: CEO Shou Zi Chew Grilled by US Lawmakers," *Reuters,* March 24, 2023.

[97] Alexandra S. Levine, "TikTok Parent ByteDance's 'Sensitive Words' Tool Monitors Discussion of China, Trump, Uyghurs," *Forbes,* May 1, 2023.

[98] Yitong Wu, "Youxi gongsi shencha yonghu wanjia fa mingan ci zao fengsha" [Gaming company censors users and players are banned for posting sensitive words], *Radio Free Asia,* June 28, 2023.

[99] Helen Davidson, "Genshin Impact Players Say Chinese Game Censors 'Taiwan' and 'Hong Kong' Chat," *Guardian,* October 8, 2020; Joseph Allen, "Genshin Impact Censors Hong Kong and Other Words in Chat," *TechRaptor,* October 7, 2020; Josh Ye, "Western Gamers Up in Arms After Mega-Hit Genshin Impact Censors Words Like 'Taiwan' and 'Hong Kong' in Chat Feeds," *South China Morning Post,* October 8, 2020.

[100] *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, para. 149.

[101] China Labor Watch, "Abuse in the Printing Supply Chain," January 31, 2023.

[102] China Labor Watch, "Abuse in the Printing Supply Chain," January 31, 2023.

[103] China Labor Watch, "Abuse in the Printing Supply Chain," January 31, 2023, 7.

[104] "Human Rights Advocates Raise Concerns That Milwaukee Tool Gloves Are Made with Forced Labour in a Chinese Prison; Incl. Co. Responses," *Business and Human Rights Resource Centre,* December 22, 2022.

[105] "Human Rights Advocates Raise Concerns That Milwaukee Tool Gloves Are Made with Forced Labour in a Chinese Prison; Incl. Co. Responses," *Business and Human Rights Resource Centre,* December 22, 2022.

[106] Zhen Wang, "Chinese Prisoners: We Were Forced to Make Milwaukee Tool Gloves for Cents Each Day," *Wisconsin Watch,* May 4, 2023.

NORTH KOREAN REFUGEES IN CHINA

Findings

- Heightened security along the China-North Korea border due to the coronavirus disease 2019 (COVID-19) pandemic and the Chinese government's pervasive surveillance technology, increased the risk of being caught by Chinese police and has significantly reduced the defection rate of North Korean refugees. As a result of the closed border, many North Korean workers are stranded in China and are living in dire conditions without any income, leaving them vulnerable to human trafficking. With the easing of COVID-19 restrictions, defection attempts and detentions rose, as authorities have intensified their measures to capture and subsequently repatriate North Korean refugees.
- According to the U.N. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), as of June 30, 2023, an estimated 2,000 North Korean refugees were awaiting repatriation in China. Additionally, experts point out that the cost of defection, which involves paying intermediaries or "brokers" to arrange an escape, has greatly increased due to the risks associated with defecting from North Korea.
- Repatriated North Koreans remain vulnerable to torture, imprisonment, forced labor, and execution. According to the Citizens' Alliance for North Korean Human Rights (NKHR), a nongovernmental organization advocating for human rights in North Korea, Chinese companies and the DPRK government likely derive financial benefits from forcibly repatriating refugees to North Korea, where they are allegedly subjected to forced labor in detention facilities operated by the DPRK government. This forced labor reportedly involves the production of goods for Chinese businesses at considerably reduced costs.

Recommendations

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

- Urge Chinese authorities to grant legal status to North Korean women and men who marry or have children with citizens of the People's Republic of China. Ensure that children born of such marriages are granted resident status and access to basic rights in accordance with Chinese law and international standards.
- Urge the United Nations to use its influence in calling upon China to ensure that North Korean women and girls who have become victims of trafficking are not penalized for breaking immigration law, while ensuring their provision of temporary residence permits and essential services; and facilitate unrestricted access for the United Nations High Commissioner for Refugees and relevant humanitarian organizations to North Korean trafficking victims in China.
- Reauthorize the North Korean Human Rights Act (Public Law No. 108–333) to equip the nominated Special Envoy for

Human Rights in North Korea with all the necessary tools to provide humanitarian assistance to North Korean refugees in China.

○ Work with like-minded allies and partner countries to fully implement the recommendations of the U.N. Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, as they pertain to the refugees in China.

○ Consistent with the assistance programming authorized by the North Korean Human Rights Act, and coordinating with the South Korean government and other allies and partners, fund programs that assist North Koreans outside of North Korea, including projects to stop trafficking, protect refugees, and amass concrete information about the situation of North Koreans in China.

North Korean Refugees in China

Introduction

The Chinese government considers North Korean refugees in China to be illegal migrants and maintains a policy of forcible repatriation based on a 1998 border protocol with the Democratic People's Republic of Korea (DPRK).[1] Repatriated North Koreans often face torture, imprisonment, forced labor, execution, forced abortions, and sexual violence.[2]

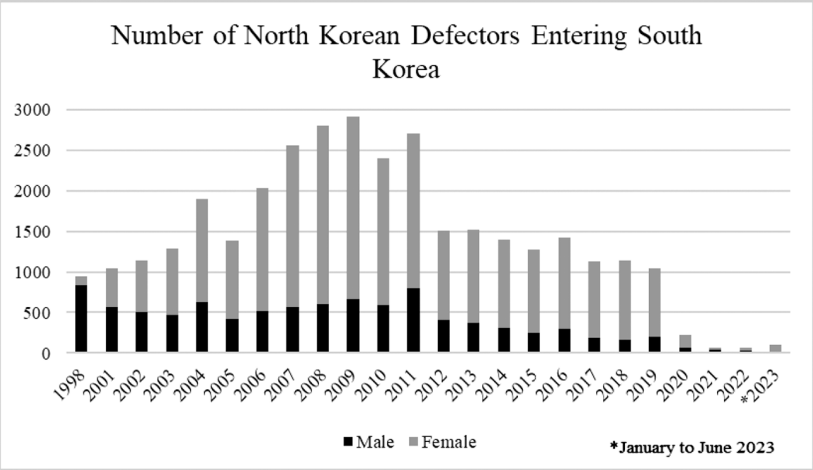
Regardless of an individual's reason for leaving the DPRK, the treatment of forcibly repatriated refugees by the DPRK government renders North Koreans in China as refugees *sur place* who fear persecution upon return to their country of origin.[3] Jung Hoon Lee, who formerly served as the Republic of Korea's Ambassador for North Korean Human Rights, testified at a Commission hearing in June 2023 that, while famine-related economic migrants are not categorized as refugees under international legal standards, "the case of North Koreans is different; the main reason for their defection to a foreign country—economic plight—is the political outcome of a failed socialist system under totalitarian rule."[4]

The forced repatriation of North Korean refugees by the Chinese government contravenes China's international obligations under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.[5] Under the principle of non-refoulement, China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from forcibly repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."[6]

Border Conditions during the COVID-19 Pandemic

Heightened security along the China-North Korea border and coronavirus disease 2019 (COVID-19) travel restrictions have deterred refugees from attempting to cross the border and contributed to a significant decline in the number of North Koreans reaching South Korea via China.[7] After arriving in China, North Korean refugees are monitored by surveillance technology—artificial intelligence (AI)-based facial recognition software and video cameras—which has made it increasingly difficult for North Korean refugees who lack legal identification documents to travel internally using public transportation in China.[8] In 2021 and 2022, 63 and 67 North Koreans reached South Korea, respectively, the lowest numbers recorded since South Korea's Ministry of Unification began tracking arrivals in 1998.[9] Meanwhile, a COVID-19-related border closure enforced by North Korean authorities beginning in January 2020 prevented Chinese officials from repatriating North Koreans who previously fled to China.[10]

North Korean Refugees in China



[11]

According to the U.N. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, as many as 2,000 North Korean refugees were detained in China as of September 2022.[12] The Citizens' Alliance for North Korean Human Rights (NKHR), a nongovernmental human rights group, expressed concern that when the border closure is lifted, mass repatriation will begin, incentivized by the potential to exploit refouled refugee labor.[13] The group's findings suggested that repatriated North Koreans provide free forced labor for textiles, fake eyelashes, and wigs labeled "Made in China," although they are produced in North Korean detention facilities.[14]

The increased risks associated with illegally crossing the North Korean border into China and, subsequently, neighboring countries during the COVID-19 pandemic reportedly led to a rise in the financial expenses related to defection.[15] The fees paid to brokers, who aid North Koreans in navigating the route from North Korea to South Korea through China, have escalated from thousands of dollars before the pandemic to tens of thousands of dollars per person.[16] After escaping North Korea, refugees face the possibility of repatriation and ensuing abuse and maltreatment.[17] Despite such risks and higher expenses, North Koreans' attempts to defect to South Korea increased as COVID-19 restrictions eased.[18] This rise in attempted defections resulted in an increase in detentions, as PRC authorities intensified their efforts to apprehend and ultimately repatriate North Korean refugees.[19]

North Korean Workers in China during the COVID-19 Pandemic

In July 2022, the U.S. State Department estimated that between 20,000 and 100,000 North Korean workers remained in China, where many are subjected to forced labor and abusive working conditions.[20] Due to the pandemic-related closure of borders, North Korean workers who had arrived before the pandemic were unable to return home after their contracts with local companies had expired.[21] In written testimony presented at a Commission hearing, Greg Scarlatoiu, Executive Director of the Committee for Human Rights in North Korea, cited comments made by Jung Gwang-il, North Korean defector and director of an activist group who provided information about the difficulties facing such workers.[22] According to Jung, North Korean workers in China reportedly faced challenges finding employment after their initial contracts ended during the COVID-19 pandemic.[23] Consequently, according to Jung, these predominantly female workers, previously employed in sewing factories, were "sold" by local brokers to work in temporary jobs.[24] This situation resulted in widespread malnutrition among the workers, who often resorted to salvaging and boiling discarded vegetables from local markets.[25] Some workers reportedly committed suicide due to their inability to remit sufficient funds back home to compensate for the bribes that they paid to be sent abroad.[26]

Trafficking of North Korean Women in China

According to human rights organizations and survivors of trafficking, thousands of women who aim to flee North Korea are exploited by human smugglers and sex traffickers.[27] Conditions for North Korean women in China reportedly worsened during the COVID-19 pandemic, because pandemic-related border restrictions left North Koreans unable to leave the country and employment opportunities ended, leaving North Korean women vulnerable to sex traffickers.[28]

During the May 2023 review of China's compliance with its obligations under the U.N. Convention on the Elimination of Discrimination against Women (CEDAW),[29] a member of the CEDAW Committee asked the Chinese delegation about the PRC government's forcible repatriation of North Korean women refugees in China to the DPRK, and inquired about the legal path to refugee status for North Korean women who have children in China.[30] In response, one of the Chinese delegates asserted that North Korean women are in China for "economic reasons" and are not eligible for legal protections.[31] A joint submission by two civil society organizations to the CEDAW Committee highlighted the vulnerability of North Korean women in China to sex trafficking and forced marriage, as well as the lack of rights protections for North Korean women and their children.[32] According to a civil society advocate, this was the "first time that the CEDAW has discussed China's role in perpetuating human rights abuses against North Korean women."[33]

Children of North Korean and Chinese Parents

The children of undocumented North Korean mothers and Chinese fathers continue to be deprived of legal protections guaranteed under Chinese law.[34] In its 2022 human rights report, the U.S. State Department estimated that approximately 30,000 children in China who were born to North Korean mothers and Chinese fathers were unregistered.[35] Under the PRC Nationality Law, all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.[36] North Korean mothers and Chinese fathers, however, frequently encounter difficulties in obtaining birth registration and nationality documents for their children.[37] The U.S. State Department also noted that some Chinese fathers have avoided registering children in order to prevent authorities from discovering their North Korean partner's undocumented status.[38] Without proof of resident status, these children may not legally access educational and other public services.[39] The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.[40]

Notes to Chapter 15—North Korean Refugees in China

[1] U.N. General Assembly, Report on the Situation of Human Rights in the Democratic People's Republic of Korea, A/74/268, August 2, 2019; Office of the U.N. High Commissioner for Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China," August 13, 2018. The U.N. Committee on the Elimination of Racial Discrimination expressed concern that "China continued to deny refugee status to asylum-seekers from the Democratic People's Republic of Korea and it also continued to forcibly return them to their country of origin, regardless of a serious threat of persecution and human rights violations." Democratic People's Republic of Korea Ministry of State Security and People's Republic of China Ministry of Public Security, *Zhonghua Renmin Gongheguo Gong'anbu Chaoxian Minzhu Zhuyi Renmin Gongheguo Guojia Baoweibu guanyu zai Bianjing Diqu Weihu Guojia Anquan he Shehui Zhixu de Gongzuo Zhong Xianghu Hezuo de Yidingshu* [Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas], signed July 8, 1998, effective August 28, 1998, arts. 4, 9. The protocol commits each side to treat as illegal those bordercrossers who do not have proper visa certificates, except in cases involving "calamity or unavoidable factors."

[2] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023, 56–57; *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (written statement of Joanna Hosaniak, Deputy Director General, Citizens' Alliance for North Korean Human Rights); *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Jung Hoon Lee, Dean, Graduate School of International Studies, Yonsei University and Former Ambassador-at-Large for North Korean Human Rights, Ministry of Foreign Affairs, Republic of Korea); *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (written statement of Suzanne Scholte, Chair, North Korea Freedom Coalition); U.N. General Assembly, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/76/392, October 8, 2021, paras. 8, 13, 19; "Husbands of Undocumented North Koreans Beg China Not to Deport Their Wives," *Radio Free Asia,* November 15, 2021; Office of the U.N. High Commissioner for Human Rights, 'I Still Feel the Pain . . ..' Human Rights Violations against Women Detained in the Democratic People's Republic of Korea," September 1, 2020, paras. 23, 65, 67, 80; Office of the U.N. High Commissioner for Human Rights, "Report: Women Detainees Face Serious Human Rights Violations," July 28, 2020; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," Brookings Institution, September 13, 2010; U.N. High Commissioner for Refugees, "Refugee Protection and International Migration," January 17, 2007, paras. 20–21.

[3] U.N. High Commissioner for Refugees, "Refugee Protection and International Migration," January 17, 2007, paras. 20–21; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," Brookings Institution, September 13, 2010.

[4] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Jung Hoon Lee, Dean, Graduate School of International Studies, Yonsei University and Former Ambassador-at-Large for North Korean Human Rights, Ministry of Foreign Affairs, Republic of Korea).

[5] Convention Relating to the Status of Refugees, adopted by the U.N. Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951, entry into force April 22, 1954, arts. 1(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . .." Article 33 of the 1951 Convention mandates that, "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Convention Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees, adopted by U.N. General Assembly resolution A/RES/2198 of December 16, 1966, entry into force October 4, 1967, art. 1; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982.

[6] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by U.N. General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, art. 3. Article 3 states that "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed April 1, 2021. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. U.N. Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, February 3, 2016, para. 46.

[7] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Rob-

ert R. King, Former Special Envoy for North Korean Human Rights Issues, U.S. Department of State); Robert R. King, "Number of North Korean Defectors Drops to Lowest Level in Two Decades," Center for Strategic & International Studies, January 27, 2021.

[8] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission On China,* 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights); Kim Myung-Sung, "Anmyeoninshik-euro miheng-gamsi, talbukmin ssimalineun Jungguk AI" [Chinese AI that tracks and monitors using facial recognition, suppressing North Korean defectors], *Chosun Ilbo,* May 24, 2023; Anthony Kuhn, "North Korean Defectors May Face Deportation by China as COVID Border Controls Ease," *NPR,* April 25, 2023.

[9] Ministry of Unification, Republic of Korea, "Policy on North Korean Defectors," accessed April 26, 2023. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

[10] Kang Hyun-kyung, "Clock Ticks for China's Massive Repatriation of N. Korean Defectors," *Korea Times,* March 28, 2023.

[11] The Commission notes that the number of North Koreans entering South Korea from January to June 2023 was 99, which is a significant increase from 63 and 67 in 2021 and 2022. The Ministry of Unification of the Republic of Korea attributed the increase to the relaxation of domestic and international travel restrictions in China. For more analysis, see Ifang Bremer, "Number of North Korean Defectors Entering South Korea Doubles in Second Quarter," *NK News,* July 18, 2023.

[12] Kang Hyun-kyung, "Clock Ticks for China's Massive Repatriation of N. Korean Defectors," *Korea Times,* March 29, 2023; Kim Myong-song, "2000 N.Korean Defectors 'Held in China,'" *Chosun Ilbo,* September 19, 2022.

[13] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (written statement of Joanna Hosaniak, Deputy Director General, Citizens' Alliance for North Korean Human Rights).

[14] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (written statement of Joanna Hosaniak, Deputy Director General, Citizens' Alliance for North Korean Human Rights); Christy Lee, "Rights Activists Say China Neglecting North Korean Refugees," *Voice of America,* June 15, 2023.

[15] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission On China,* 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights); Sang-Hun Choe, "For North Koreans in China, Seeking Freedom Is More Perilous Than Ever," *New York Times,* July 5, 2023.

[16] Choe Sang-Hun, "For North Koreans in China, Seeking Freedom Is More Perilous Than Ever," *New York Times,* July 9, 2023. See also "Defection Brokers for North Koreans, Are They Bad?" *Daily NK,* April 4, 2005.

[17] Roberta Cohen, "Can the UN Secretary-General Help the 2,000 North Koreans Detained in China?," *Diplomat,* July 5, 2023.

[18] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights).

[19] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights).

[20] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," July 2022, 327–28; U.N. Security Council, Note by the President of the Security Council, S/2022/132, March 1, 2022, paras. 168, 170, 172; U.N. Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8; Countering America's Adversaries Through Sanctions Act, 22 U.S.C. § 9401, sec. 302(a).

[21] Kim Soonhi, "North Korean Workers in China Near 3rd Year Stuck There," *Asahi Shimbun,* January 18, 2023; *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Greg Scarlatoiu, Executive Director, U.S. Committee for Human Rights in North Korea).

[22] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Greg Scarlatoiu, Executive Director, U.S. Committee for Human Rights in North Korea); Uri Friedman, "Coming of Age in North Korea," *Atlantic,* August 26, 2016.

[23] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Greg Scarlatoiu, Executive Director, U.S. Committee for Human Rights in North Korea).

[24] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Greg Scarlatoiu, Executive Director, U.S. Committee for Human Rights in North Korea).

[25] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Greg Scarlatoiu, Executive Director, U.S. Committee for Human Rights in North Korea).

[26] *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China,* 118th Cong. (2023) (testimony of Greg Scarlatoiu, Executive Director, U.S. Committee for Human Rights in North Korea).

[27] Choe Sang-Hun, "After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China," *New York Times,* September 13, 2019; Nicola Smith, "Inside China's 'Red Zone' Where North Korean Women Are Sold as Slaves," *Telegraph,* March 24, 2023.
[28] Nicola Smith, "Inside China's 'Red Zone' Where North Korean Women Are Sold as Slaves," *Telegraph,* March 24, 2023.
[29] Office of the U.N. High Commissioner for Human Rights, "Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women's Political Participation and Sex-Selective Abortions," May 12, 2023; Committee on the Elimination of Discrimination against Women, "85th Session (8–26 May 2023) Schedule of Dialogues (as of 31 March 2023)," accessed May 13, 2023.
[30] Ifang Bremer, "UN Committee Questions China about Forced Deportation of North Korean Women," *NK News,* May 16, 2023; Office of the U.N. High Commissioner for Human Rights, "Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women's Political Participation and Sex-Selective Abortions," May 12, 2023.
[31] Ifang Bremer, "UN Committee Questions China about Forced Deportation of North Korean Women," *NK News,* May 16, 2023; Office of the U.N. High Commissioner for Human Rights, "Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women's Political Participation and Sex-Selective Abortions," May 12, 2023.
[32] International Federation for Human Rights and Database Center for North Korean Human Rights, "Joint Submission for the Committee on the Elimination of Discrimination against Women (CEDAW) 85th Session," April 11, 2023.
[33] Ifang Bremer, "UN Committee Questions China about Forced Deportation of North Korean Women," *NK News,* May 16, 2023.
[34] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," July 2022, 176, 328.
[35] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023, 57; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," July 2022, 328. See also Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," *Guardian,* February 5, 2016.
[36] *Zhonghua Renmin Gongheguo Guoji Fa* [PRC Nationality Law], passed and effective September 10, 1980, art. 4. Article 4 of the PRC Nationality Law provides that, "Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality."
[37] Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," July 2022, 328. See also Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," *Guardian,* February 5, 2016.
[38] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023.
[39] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)," March 20, 2022, 57; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, "Trafficking in Persons Report," July 2022, 328. See also Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," *Guardian,* February 5, 2016. Two June 2023 reports about the recent death of a 12-year-old boy—the son of a North Korean mother and Chinese father from Changbai Korean Autonomous County, Baishan municipality, Jilin province—noted the vulnerability of these children. The boy reportedly died in a car accident while attempting to search for his mother, whom Chinese authorities repatriated to the DPRK in 2019. A source told Daily NK that local public security officials not only did not investigate the missing person report from the boy's grandmother, but also did not confirm the boy's identity until after his death. Following public criticism, the police station in the district where the boy's death took place issued a notice to village heads in its jurisdiction to provide nationality and household registration to unregistered children in similar circumstances whose paternity could be verified. Jeong Tae Joo, "'Stateless' Child of a N. Korean Defector Dies in Car Accident in Changbai County," *Daily NK,* June 8, 2023; Mun Dong Hui, "Tuo Beimin nüxing he Zhongguo nanxing zhijian chusheng de wu guoji ertong chu zai 'baohu sijiao'" [Children born of defector North Korean women and Chinese men exist in a "dead corner without protection"], *Daily NK,* June 2, 2023.
[40] Convention on the Rights of the Child, adopted by U.N. General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also to provide all children with access to education without discrimination on the basis of nationality. International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 24.

TECHNOLOGY-ENHANCED AUTHORITARIANISM

Findings

- In contravention of its signed and ratified commitment to the International Convention to End All Forms of Racial Discrimination, the People's Republic of China (PRC) has continued to facilitate the development and use of domestic standards and surveillance technologies that employ racial profiling and thus encourage discrimination on the basis of ethnicity.
- The Central Committee of the Chinese Communist Party and the State Council jointly released the "Plan for the Overall Layout of Building a Digital China," which prioritizes the digitalization of governance in China, interconnectedness and efficiency across China's digital infrastructure, and expansive control of data using next-generation technologies.
- International observers reported that PRC authorities have increased investment in next-generation data-intensive technologies, such as "smart city" projects and police geographic information systems designed to better surveil and control society.
- This past year, Party and government agencies released regulations concerning generative artificial intelligence (AI) to ensure that AI-generated content puts the PRC in a positive light, downplays criticism, and excludes content that authorities deem to be a threat to social stability.
- PRC authorities carried out digital surveillance and censorship to suppress the White Paper protests that took place throughout China in late November 2022 in opposition to harsh zero-COVID measures. Leaked directives revealed that Chinese authorities initiated the highest "emergency response" level to restrict protesters' access to virtual private networks (VPNs) and instructional materials for accessing foreign news and social media apps.
- During the reporting year, a report documented PRC authorities using advanced technology and ethnic minority online "influencers" to present a rosy picture of life in the Xinjiang Uyghur Autonomous Region in 1,741 videos spread out amoung 18 YouTube accounts with 2,000 to 205,000 followers, as part of a larger effort to deny the PRC's ongoing genocide in the region.
- Authorities implemented technological upgrades to the PRC's censorship mechanisms, together known as the Great Firewall, during the 20th National Congress of the Chinese Communist Party. Information emerged this past year about blogger **Ruan Xiaohuan,** an information security expert who provided online guidance to circumvent the Great Firewall, and who was sentenced to seven years' imprisonment for "inciting subversion of state power."

Recommendations

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

○ Urge the U.S. State Department to submit an inter-state complaint to the Committee on the Elimination of Racial Discrimination (CERD) to hold PRC authorities and complicit companies accountable for the development and use of "ethnicity tracking" technology. The CERD is obligated to hear all inter-state complaints.
○ Consider legislation to prohibit foreign governments from exploiting information and communications technology products that operate in the U.S. to protect citizens' data and freedom of expression.
○ Consider adopting legislation to ban the social media app WeChat from federal employees' and contractors' devices. The U.S. Department of Defense, Transportation Security Administration, and several states have already banned WeChat from their employees' devices.
○ Encourage the U.S. representatives to the Freedom Online Coalition and other bodies to leverage the coalition's AI and human rights expertise to support alternate facial recognition standards for surveillance, such as privacy-preserving computer vision systems that automatically censor faces and deanonymize those necessary for investigative leads.
○ Urge cloud infrastructure providers to offer preferential rates to U.S. Government-funded circumvention tools, to ensure that federal funds have the maximum impact by enabling a greater number of users to circumvent the Great Firewall.
○ Impose diplomatic and financial penalties on PRC officials and state media outlets that engage in bullying, intimidation, and harassment of journalists.
○ In interactions with Chinese officials, call for the release of political prisoners currently detained or imprisoned for the peaceful exercise of their human rights, such as **Ruan Xiaohuan, He Binggang,** and **Zhang Yibo,** all three of whom aimed to assist Chinese citizens in circumventing PRC censorship. The records of detained individuals in the Commission's Political Prisoner Database provide a useful resource for such advocacy. Urge PRC officials, law enforcement, and security forces to end the use of arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish individuals for the peaceful exercise of their rights.

TECHNOLOGY-ENHANCED AUTHORITARIANISM

Introduction

During the Commission's 2023 reporting year, the Chinese Communist Party and government expanded their use of technology in an attempt to control public opinion in China and internationally, and to restrict freedom of expression and freedom of movement, often in violation of international treaties. Authorities have widely deployed such technology at the expense of human rights and democratic principles and institutions.

Violations of International Commitment to Prevent Racial Discrimination

Prior to and during the reporting year, Chinese surveillance companies promoted the use of standards and the sale of surveillance equipment that has the capacity to target Uyghurs, Tibetans, and members of other ethnic minority groups by tracking people's skin color and using facial attributes as an analytical factor. Several reports published during this reporting year showed that PRC public security bureaus had contracted with Chinese surveillance technology companies Dahua, Hikvision, and Uniview to continue to develop surveillance systems that tracked protesters and ethnic and religious minorities.[1] The PRC government's use of these technologies violated its ratified commitments to the International Convention to End All Forms of Racial Discrimination (ICERD).[2] According to Committee on the Elimination of Racial Discrimination (CERD) general recommendation No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials, "States should also ensure the adoption and periodical revision of guidelines and codes of conduct . . . in the programming, use and commercialization of algorithms that may lead to racial discrimination . . .."[3]

In 2021, IPVM, a U.S.-based company that monitors security technology, reported that Uniview, Hikvision, Dahua, and NetPosa coordinated with PRC public security authorities to write "ethnicity tracking" standards—including the use of various "personal attributes, such as skin color"—to facilitate the surveillance of Uyghurs, Tibetans, and other ethnic groups in China.[4] While official guidance reportedly only "recommended" the use of these racial and ethnic-coded standards in police surveillance work, one source indicated that Chinese public security bureaus must use the standards when conducting camera surveillance.[5] Examples of such "recommended" standards are national standards said to be produced by the Ministry of Public Security using ethnicity detection and skin color in facial recognition applications and searchable databases for video analysis systems; and another standard, issued by the Xinjiang Uyghur Autonomous Region's (XUAR) Market Supervision Administration Bureau, for "technical database requirements" for XUAR public security officials to estimate the probability that someone belongs to a particular ethnic group.[6] In October 2022, a Dahua salesperson reportedly remarked that the company used cameras with ethnicity tracking features.[7] In an August 2022 letter to the Federal Communications Commission, Dahua

stated it had "never implemented" a product to target a specific ethnic group for commercial use, but was silent as to government use.[8]

This past year, two think tanks concluded that PRC authorities provide strong commercial incentives for companies to develop surveillance technology for public security, giving them little reason not to follow the government's policy direction.[9] For example, one researcher determined that Chinese artificial intelligence (AI) companies, specifically those working on facial recognition, that received public security contracts from a city with "above median surveillance capacity," developed more software products than those that did not receive such contracts.[10] Chinese governments at different levels are some of the largest purchasers of AI surveillance products because local government officials' prospects for promotion depend, at least in part, on their track record in "maintaining social stability."[11] Researchers also found a direct relationship between social unrest and a subsequent increase in the next quarter of public security technology contracts.[12]

Expansion of Surveillance Capabilities for Social Control

This past year, authorities expanded surveillance capabilities to increase social control by promoting new data-intensive technologies. Analysts estimated that local governments and companies in Chinese cities would spend US$50 billion by the end of 2024 on "smart city" technologies, such as collecting data through smartphones, quick response (QR) code readers, point of sale machines, air quality monitors, and radio frequency identification chips used to store biometric information in identification cards.[13] The PRC's capacity to collect data was illustrated by the leak in July 2022 of the Shanghai National Police database, which contains information on 1 billion Chinese residents and several billion case records, including names, addresses, birthplaces, national ID numbers, mobile telephone numbers, ethnicity, and details of related police cases.[14] The database also included a label for "people who should be closely monitored," a reference to people whom public security authorities deem to be risks or possible threats to social stability, and whom they thus target for surveillance.[15] In May 2023, IPVM reported that Songjiang district in Shanghai municipality was designated a digitization "case study," with the goal of digitally transforming Shanghai's public security bureaus so that they are able to access a set of data modules, one of which can alert public security about foreign journalists in Shanghai who have traveled to the XUAR.[16] Another of the data modules reportedly can identify Uyghurs arriving in Shanghai and verify their addresses.[17] According to an analysis of government procurement notices published in May 2023 by China Digital Times, 30 provincial governments over a period of 17 years signed at least 803 contracts, worth 6.2 billion yuan (almost US$902 million), for police geographic information systems (PGIS).[18] PGISs are used to predict and plot unlawful activities and patterns, which in China can include anti-government protests, and other measures related to social stability.[19] As late as May 2023, Dahua marketed a surveillance system called "Jinn" that conducts grassroots-level monitoring or "social governance," and that reportedly has a feature

that can alert public security officers if a banner is unfurled in public for too long.[20]

Surveillance and Tracking of White Paper Protests Using Artificial Intelligence

Chinese authorities carried out digital surveillance and censorship to suppress individuals who participated in protests against harsh zero-COVID measures known as the White Paper protests that took place throughout China in late November 2022. Leaked directives revealed that Chinese authorities had initiated the highest "emergency response" level to restrict protesters' access to virtual private networks (VPNs) and related instructional materials for promoting access to foreign news and social media apps.[21] The Cyberspace Administration of China (CAC) issued draft rules in June 2023 to regulate the creation of ad hoc networks, using tools such as Bluetooth and Apple's AirDrop, by requiring real-name verification, and automatically defaulting them to the "off" position ten minutes after activation.[22] While Chinese authorities used AI to identify people in videos, the surveillance system struggled to capture the variety of videos that protesters uploaded.[23] Observers believe Chinese authorities used data from cell phone towers to identify and interview individuals whose phone signals were determined to be in the same area as the protests.[24] Chinese telecommunication companies are legally required to turn over certain metadata including user accounts' real ("legal") names, operating time and type, network source and destination address, network source ports, client hardware characteristics, user-released information records, and chat logs related to activity that "mobilizes" public sentiment or causes "major changes in public opinion."[25] [For information about the detention of White Paper protesters, see Chapter 1—Freedom of Expression, Chapter 2—Civil Society, and Chapter 6—Governance.]

"Digital China" Policy Developments

PRC officials continued to promote "Digital China," one of Party General Secretary Xi Jinping's long-term strategic plans, which prioritizes the digitalization of governance in China and expansive control of data.[26] In March 2023, the Party Central Committee and State Council jointly released the "Plan for the Overall Layout of Building a Digital China" (Digital China),[27] which a commentator on technology observed[28] provides "a framework for contextualizing the roles of digital infrastructure [and] the data economy."[29] The same commentator highlighted Digital China's ambitious timeframe and scale, noting that "the plan" specifies that the foundation for a Digital China should be completed by 2025 and should include building an interconnected and efficient digital infrastructure, expanding data resources, and increasing government digitalization.[30] An analysis from Bitter Winter, an online magazine that reports primarily on religious repression in China, called attention to one dimension of the Party's role in Digital China's implementation, whereby "local [Chinese] Communist Party committees" will expand internet access to every village in China while also "bringing control and surveillance" over all Chinese citizens.[31]

In an analysis of the strategic underpinnings of Digital China, experts at the Pacific Forum concluded that the Party "considers the 'control of data' to be essential to its own survival, on par with the control of media, the military, and personnel." [32] They contend that Digital China is a "grand strategy" to create the world's first data-driven governance society—which PRC officials refer to as Smart Society—the success of which is meant to demonstrate the Party's supremacy by wielding technology to better provide for Chinese citizens.[33] The March 2023 planning document on Digital China added an international development component overlapping with the Digital Silk Road, as one of the points of Digital China is to ". . . establish an international exchange and cooperation system for the digital domain . . . jointly establish a high quality 'Digital Silk Road'; and actively develop 'Silk Road e-commerce.'"[34] In March 2023, authorities created a new ministry-level national data bureau, under the State Council's National Development and Reform Commission (NDRC), per the Digital China mandate.[35] An NDRC researcher characterized the new bureau as responsible for the "management of data through its entire life cycle," saying that "processes like data generation, transmission, storage, processing and handling, circulation and trading, and development and use, will all be within the scope of the new bureau's overall planning and management responsibilities." [36] Data and technology are central to Digital China's implementation, not only in more effectively providing public goods to Chinese citizens, but also in manipulating artificial intelligence (AI) and big data for social and political control.[37]

Malign Influence and Data Sharing on TikTok and WeChat

Under PRC law, technology companies operating in China are required to share data with authorities upon request, thus infringing on users' privacy.[38] The government has passed a range of legal provisions that require technology companies' and their employees' compliance regarding state secrets and information harming national security and economic development.[39] The PRC Cybersecurity Law requires companies and individuals within China to provide technical support and assistance to public security and state security entities, which a researcher at the Hoover Institution interpreted as making networks, data, and communication available to these entities.[40]

Both TikTok and WeChat continued to collect data internationally and send it back to China, where PRC authorities could access it. Internet 2.0, a joint U.S. and Australian cybersecurity firm, published a report in July 2022 showing that TikTok had sent a large amount of data to China and concluded that it was engaging in data harvesting.[41] In May 2023, Forbes revealed that foreign content creators' tax data is stored on servers in China and is accessible by Chinese employees.[42] In December 2022, TikTok's parent company ByteDance said that two of its employees, in the course of investigating a company information leak, had improperly accessed user data, including the internet protocol (IP) addresses of two journalists that would reveal their physical location.[43] The Australian Financial Times (AFT) reported that TikTok had updated its algorithms for broadcast and moderation of livestreams,

relying on a team of engineers that included at least a dozen affiliated with ByteDance, some of whom were working in China.[44] An Australian senator told AFT that he was concerned the engineers' access to overseas data could be used to create algorithms that suppress content critical of the Party and elevate supportive content.[45]

In September 2022, Freedom House reported that in 21 of 30 assessed countries, PRC state-owned media outlets strongly influenced the direction of news content accessible to Chinese speakers, especially via the social media platform WeChat.[46] Diaspora outlets that post on WeChat must conform to WeChat's censorship requirements.[47] Since WeChat does not have an advanced search function, users view stories determined by WeChat's algorithm instead of actively searching for content that must conform with PRC provisions requiring technology companies to spread "positive energy" and not "disrupt economic and social order."[48] According to two Wall Street Journal reporters who wrote a book on digital surveillance in China, Chinese security personnel may have access to a "back-end portal" to monitor conversations and behavioral data on WeChat.[49] Authorities also have used WeChat as a tool of political repression against foreign entities and individuals.[50] This past year, Allen Shen, a candidate for the Minnesota House of Representatives, alleged that he could not post on WeChat because of his political positions about China.[51]

Increased Repression and Censorship Online

The PRC increased digital repression with targeted censorship campaigns and digital upgrades to the Great Firewall timed to the 20th National Congress of the Chinese Communist Party in October 2022. One expert expressed the belief that China's internet censorship likely had a technological upgrade with better deep packet inspection to identify and block transmitted data deemed undesirable.[52] Around the same time, the PRC blocked transport layer security (TLS) data for anti-censorship programs, and not just the ports, on a massive scale for the first time.[53]

Ruan Xiaohuan, Anonymous Blogger and Guide to Circumventing the Great Firewall, Sentenced to Seven Years in Prison

In February 2023, the Shanghai Municipal No. 2 People's Court sentenced **Ruan Xiaohuan,** an anonymous blogger with professional expertise in information security, to seven years' imprisonment, two years' deprivation of political rights, and a fine on the charge of "inciting subversion of state power."[54] Until his detention in May 2021, Ruan not only provided guidance on how to circumvent China's censorship tools to access information outside China, he also wrote about sensitive topics, such as political analysis critical of Chinese authorities, the 1989 Tiananmen protests, and the hidden wealth of Chinese officials.[55] Authorities reportedly used the registration information from an old account on Douban, a social media website, that used a similar online name and had content criticizing the government, in order to apprehend him.[56]

Increased Regulation of Generative AI for Social and Political Control

PRC agencies are regulating the technology behind generative AI, such as ChatGPT, to ensure that AI-generated content depicts China in a positive light, downplays criticism, and excludes other content that Party and government authorities deem to be threats to social stability. One analyst found that the PRC's approach to governing generative AI products is relatively "piecemeal," focused on specific usages of the technology, in contrast with, e.g., the European Union's attempt at a more comprehensive governance plan.[57] Two such regulatory efforts this past year included the following:

- In December 2022, the Cyberspace Administration of China (CAC), Ministry of Industry and Information Technology, and Ministry of Public Security jointly released new provisions on AI-generated text, images, videos, and virtual scenes.[58] The provisions are meant to "dispel rumors," prevent the dissemination of "fake news," and prohibit the use of AI content generation in "activities . . . endangering national security" or "disrupting economic and social order."[59]
- In April 2023, the CAC released draft measures requiring that generative AI technology "must not subvert state power, . . . incite separatism, . . . promote ethnic hatred, ethnic discrimination, . . . [or] promote content that may disrupt economic and social order."[60] PRC authorities frequently cite "social stability" to justify controlling online content, and these draft measures suggest officials are concerned about ChatGPT reporting on issues that authorities deem to be politically sensitive, such as the genocide in the XUAR.[61]

Manipulating International Opinion and Increased Harassment Online

This past year, the Commission observed reports of PRC authorities using advanced technology and third parties as "influencers" to present a rosy picture of life in the Xinjiang Uyghur Autonomous Region (XUAR) as part of a larger effort to deny the ongoing genocide in the XUAR. In a statement published in August 2022, the U.S. State Department concluded that the PRC had engaged in efforts to "manipulate" and "dominate" global discourse about the XUAR and to "discredit" reporting about genocide and crimes against humanity against ethnic and religious minority groups in the region.[62] In a related propaganda effort studied by researchers at the Australian Strategic Policy Institute (ASPI), multichannel corporations closely tied to the Party and government have used and in some cases produced videos of young "influencers" from among Uyghur, Kazakh, and other ethnic minority groups in China to promote propaganda on foreign media platforms.[63] The ASPI researchers analyzed 1,741 videos distributed among 18 YouTube "influencer" accounts, with an estimated 2,000 to 205,000 followers for each account.[64] The Party reportedly has paid as much as US$620,000 to online influencers and production companies for propaganda and to counter international human rights documentation.[65]

Technology-Enhanced Authoritarianism

PRC authorities continued to harass and intimidate individuals who tried to report on China's human rights record or report stories that diverge from official narratives. An ASPI report concluded that the Party was "successfully silencing governments, businesses and civil society organizations globally and deterring them from criticising the CCP's [human] rights record and actions," in part by using Facebook as a tool in information operations, both to heighten PRC preferred "positive" narratives and to disseminate disinformation.[66] Freedom House reported that online harassment of journalists, especially of women of East Asian descent, had increased, and linked the increase to Chinese official media outlets naming specific journalists.[67] [For more information, see Chapter 20—Human Rights Violations in the U.S. and Globally.]

Notes to Chapter 16—Technology-Enhanced Authoritarianism

[1] Donald Maye and Charles Rollet, "Dahua Race and Skin Color Analytic Cameras," IPVM, October 17, 2022; Charles Rollet and Conor Healy, "Uniview PRC China Investigation: State Surveillance, Xinjiang/Tibet, and the CCP," IPVM, February 20, 2023; IPVM, "Hikvision Platform Set Alarms on Falun Gong, Protesters, Religion," December 29, 2022; Johana Bhuiyan, "Police in China Can Track Protests by Enabling 'Alarms' on Hikvision Software," *Guardian,* December 29, 2022.

[2] "Dahua and Hikvision Co-Author Racial and Ethnic PRC Police Standards," March 30, 2021; International Convention on the Elimination of All Forms of Racial Discrimination, adopted by U.N. General Assembly resolution 2106 (XX) of December 21, 1965, entry into force January 4, 1969. Ethnicity tracking standards are defined as using race, including skin color, to search video surveillance footage and databases. IPVM found evidence that while "ethnicity tracking" could be focused on any ethnic group, the standards are focused on Uyghurs and Tibetans.

[3] U.N. Committee on the Elimination of Racial Discrimination, General Recommendation No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials, CERD/C/GC/36, November 24, 2020, para. 63.

[4] "Dahua and Hikvision Co-Author Racial and Ethnic PRC Police Standards," March 30, 2021; ChineseStandard.net, "Chinese Standard GB/T, GBT, GB," accessed May 31, 2023.

[5] "Dahua and Hikvision Co-Author Racial and Ethnic PRC Police Standards," March 30, 2021; ChineseStandard.net, "Chinese Standard GB/T, GBT, GB," accessed May 31, 2023.

[6] Xinjiang Uyghur Autonomous Region Market Supervision Administration Bureau, "Gong'an shipin tuxiang xinxi xinyong xitong—Di er bufen: shujuku jishu yaoqiu" [Video and image information application system for public security—Part 2: Technical requirements for database], December 15, 2018, reprinted in IPVM; "Dahua and Hikvision Co-Author Racial and Ethnic PRC Police Standards," March 30, 2021.

[7] "Dahua Racial Analytics and Human Rights Abuses—Explainer Video," IPVM, November 17, 2022.

[8] "Dahua Racial Analytics and Human Rights Abuses—Explainer Video," IPVM, November 17, 2022; Andrew D. Lipman, "Dahua Technology USA Inc. Request for Confidential Treatment of Dahua Ex Parte ET Docket No. 21–232," IPVM, August 29, 2022.

[9] Bulelani Jili, "China's Surveillance Ecosystem & the Global Spread of Its Tools," *Digital Forensic Research Lab,* Atlantic Council, October 2022, 4–5; Ilaria Massocco, "The AI-Surveillance Symbiosis in China," *Big Data China,* Center for Strategic and International Studies, July 27, 2022.

[10] Ilaria Massocco, "The AI-Surveillance Symbiosis in China," *Big Data China,* Center for Strategic and International Studies, July 27, 2022.

[11] Ilaria Massocco, "The AI-Surveillance Symbiosis in China," *Big Data China,* Center for Strategic and International Studies, July 27, 2022.

[12] Ilaria Massocco, "The AI-Surveillance Symbiosis in China," *Big Data China,* Center for Strategic and International Studies, July 27, 2022.

[13] Josh Chin and Liza Lin, *Surveillance State: Inside China's Quest to Launch a New Era of Social Control* (New York: St. Martins' Press, 2022), 126–27.

[14] Brenda Goh, Sophie Yu, Stella Qiu, Eduardo Baptista and Josh Ye, "Hacker Claims to Have Stolen 1 Bln Records of Chinese Citizens from Police," *Reuters,* July 6, 2022; Karen Hao and Rachel Liang, "China Police Database Was Left Open Online for Over a Year, Enabling Leak," *Wall Street Journal,* July 6, 2022; Zack Whittaker and Carly Page, "A Huge Data Leak of 1 Billion Records Exposes China's Vast Surveillance State," *TechCrunch,* July 7, 2022.

[15] Karen Hao and Rachel Liang, "China Police Database Was Left Open Online for Over a Year, Enabling Leak," *Wall Street Journal,* July 6, 2022; Qian Gang, "Preserving Stability," *China Media Project,* September 14, 2012.

[16] "Shanghai Police Track Uyghurs and Foreign Journalists Visiting Xinjiang," May 2, 2023; International Business Machines Corporation, "Creating a Data Module," November 4, 2021.

[17] "Shanghai Police Track Uyghurs and Foreign Journalists Visiting Xinjiang," IPVM, May 2, 2023.

[18] Arthur Kaufman and Adam Yu, "Cloud Cover: Police Geographic Information System Procurement across China, 2005–2022," *China Digital Times,* May 2023, 1–2.

[19] Arthur Kaufman and Adam Yu, "Cloud Cover: Police Geographic Information System Procurement across China, 2005–2022," *China Digital Times*, May 2023, 1–2, 4.

[20] Charles Rollet, "Dahua Selling Protestor / Banner Alarms, Deletes Evidence," IPVM, May 30, 2023; Gulchehra Hoja and RFA Investigative, "In China, AI Cameras Alert Police When a Banner Is Unfurled," *Radio Free Asia*, June 5, 2023; Samantha Hoffman and Peter Mattis, "China's Proposed 'State Security Council', Social Governance under Xi Jinping," *Asia Dialogue,* University of Nottingham Asia Research Institute, November 21, 2013.

[21] Cindy Carter, "Minitrue: Three Leaked Censorship Directives Target Anti-Lockdown Protests and Censorship-Circumvention Tools," *China Digital Times,* November 30, 2022; Helen Davidson, "China Brings in 'Emergency' Level Censorship over Zero-COVID Protests," *Guardian,* December 2, 2022; Liza Lin, "China Clamps Down on Internet as It Seeks to Stamp Out COVID Protests," *Wall Street Journal,* December 1, 2022.

[22] TechSlang, "What Is an Ad Hoc Network? A Short Definition of Ad Hoc Network," accessed June 12, 2023. Ad hoc networks, which are often called peer-to-peer networks, allow devices (such as computers and cell phones) to connect to each other without the use of internet/Wi-Fi, similar to tools such as Bluetooth and Apple's AirDrop. Alexander Boyd, "Netizen Voices: Apple Restricts AirDrop in China after Sitong Bridge Protest," *China Digital Times,* November 11, 2022. Protesters reportedly used Bluetooth and Apple's AirDrop to share content about protests or to coordinate actions, as the decentralized nature of the devices allowed them to evade Great Firewall censorship and the requirements to use one's real name and identity. Kelly Ng, "Chinese Censors Take Aim at AirDrop and Bluetooth," *BBC,* June 8, 2023; Paul Best, "Apple

Restricts AirDrop File-Sharing in China That Protesters Have Used," *Fox Business,* November 27, 2022; Cyberspace Administration of China, *Jin Juli Zizuwang Xinxi Fuwu Guanli Guiding (zhengqiu yijian gao)* [Provisions on the Management of Proximity Ad Hoc Networks (draft for public comment)], issued June 6, 2023, arts. 2, 6–8.

[23] Paul Mozur, Muyi Xiao, and John Liu, "'Breach of the Big Silence': Protests Stretch China's Censorship to Its Limits," *New York Times,* November 30, 2022; Paul Mozur, Claire Fu, and Amy Chang Chien, "How China's Police Used Phones and Faces to Track Protesters," *New York Times,* December 2, 2022.

[24] Paul Mozur, Claire Fu, and Amy Chang Chien, "How China's Police Used Phones and Faces to Track Protesters," *New York Times,* December 2, 2022; Cate Cadell and Christian Shepherd, "Tracked, Detained, Vilified: How China Throttled Anti-COVID Protests," *Washington Post,* January 5, 2023.

[25] Cate Cadell and Christian Shepherd, "Tracked, Detained, Vilified: How China Throttled Anti-COVID Protests," *Washington Post,* January 5, 2023; Cyberspace Administration of China, *Juyou Yulun Shuxing huo Shehui Dongyuan Nengli de Hulianwang Xinxi Fuwu Anquan Pinggu Guiding* [Provisions for Security Assessments of Internet Information Services with Public Opinion Attributes or Social Mobilization Capabilities], issued November 15, 2018, arts. 3, 5. For additional information on "real-name registration," see Jyh-An Lee and Ching-Yi Liu, "Real-Name Registration Rules and the Fading Digital Anonymity in China," *Washington International Law Journal* 25, no. 1 (January 1, 2016): 11–17.

[26] David Dorman and John Hemmings, "Digital China: The Strategy and Its Geopolitical Implications," *Issues and Insights,* Pacific Forum International, 23, no. 2 (February 2023): 1–3; China Cyberspace, "'Zhongguo Wangxin' zazhi fabiao 'Xi Jinping zongshuji zhiyin woguo shuzi jichu sheshi jianshe shuping'" ["China Cyberspace" magazine publishes a "Review of General Secretary Xi Jinping's Guide to the Construction of My Country's Digital Infrastructure"], reprinted in *People's Daily,* April 10, 2023; "Xi Jinping: shishi Guojia Dashuju Zhanlüe jiakuai jianshe Shuzi Zhongguo" [Xi Jinping: implement the National Big Data Strategy to accelerate the construction of Digital China], December 9, 2017.

[27] Zac Haluza, "Building a Digital China," *Root Access* (Substack), March 7, 2023; "Zhonggong Zhongyang Guowuyuan yinfa 'Shuzi Zhongguo Jianshe Zhengti Buju Guihua'" [Central Committee and State Council publish "Plan for the Overall Layout of the Construction of Digital China"], *Xinhua*, February 27, 2023.

[28] Zac Haluza, "Building a Digital China," *Root Access* (Substack), March 7, 2023; "Zhonggong Zhongyang Guowuyuan yinfa 'Shuzi Zhongguo Jianshe Zhengti Buju Guihua" [Central Committee and State Council publish "Plan for the Overall Layout of the Construction of Digital China"], *Xinhua*, February 27, 2023.

[29] Zac Haluza, "Building a Digital China," *Root Access* (Substack), March 7, 2023; "Zac Haluza," *Root Access* (Substack), accessed June 30, 2023; "'Zhonggong Zhongyang Guowuyuan yinfa 'Shuzi Zhongguo Jianshe Zhengti Buju Guihua'" [Central Committee and State Council publish "Plan for the Overall Layout of the Construction of Digital China"], *Xinhua*, February 27, 2023.

[30] Zac Haluza, "Building a Digital China," *Root Access* (Substack), March 7, 2023; "Zac Haluza," *Root Access* (Substack), accessed June 30, 2023; "'Zhonggong Zhongyang Guowuyuan yinfa 'Shuzi Zhongguo Jianshe Zhengti Buju Guihua'" [Central Committee and State Council publish "Plan for the Overall Layout of the Construction of Digital China"], *Xinhua*, February 27, 2023.

[31] Tan Liwei, "The Digital China 2023 Plan: Is There Something New?," *Bitter Winter,* March 6, 2023; "'Zhonggong Zhongyang Guowuyuan yinfa 'Shuzi Zhongguo Jianshe Zhengti Buju Guihua'" [Central Committee and State Council publish "Plan for the Overall Layout of the Construction of Digital China"], *Xinhua*, February 27, 2023.

[32] David Dorman and John Hemmings, "Digital China: The Strategy and Its Geopolitical Implications," *Issues and Insights,* Pacific Forum International, 23, no. 2 (February 2023): 1.

[33] David Dorman and John Hemmings, "Digital China: The Strategy and Its Geopolitical Implications," *Issues and Insights,* Pacific Forum International, 23, no. 2 (February 2023): 1.

[34] "Zhonggong Zhongyang Guowuyuan yinfa 'Shuzi Zhongguo Jianshe Zhengti Buju Guihua'" [Central Committee and State Council publish "Plan for the Overall Layout of the Construction of Digital China"], *Xinhua*, February 27, 2023; "Assessing China's Digital Silk Road Initiative: A Transformative Approach to Technology Financing or a Danger to Freedoms?," Council on Foreign Relations, 2020.

[35] Jian Xu, "What Does China's Newly Launched National Data Bureau Mean to China and Global Data Governance?," *Internet Policy Review,* April 25, 2023.

[36] Li Guangqian, "Wei Shuzi Zhongguo jianshe zhuru xin dongli" [Injecting new momentum in the construction of Digital China], *Legal Daily,* reprinted in *Economic Daily,* March 15, 2023; David Dorman, "The National Data Bureau's Five Toughest Battles," *Digital China Wins the Future*, March 16, 2023. See also Qin Chen, "Why Does China Want to Build a National Data Center System?," *TechNode,* May 17, 2022.

[37] David Dorman and John Hemmings, "Digital China: The Strategy and Its Geopolitical Implications," *Issues and Insights,* Pacific Forum International, 23, no. 2 (February 2023): 1; Mercator Institute for China Studies, "The CCP's Vision for Digital Transformation, with Rebecca Arcesati," May 6, 2022, 0:00–6:05; Matthew Johnson, "China's Grand Strategy for Global Data Dominance," *CGSP Occasional Papers Series,* Hoover Institution, no. 2 (April 2023): 7.

[38] U.N. Human Rights Council, The Right to Privacy in the Digital Age, Report of the U.N. High Commissioner for Human Rights, A/HRC/48/31, September 13, 2021.

[39] *Hulianwang Xinxi Fuwu Guanli Banfa* [Measures for the Management of Internet Information Services], issued September 25, 2000, amended January 8, 2011, arts. 5, 14–16; *Zhonghua Renmin Gongheguo Guojia Anquan Fa* [PRC National Security Law], passed and effective July 1, 2015, art. 77; *Zhonghua Renmin Gongheguo Guojia Qingbao Fa* [PRC National Intelligence Law], passed July 1, 2015, art. 7; *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cy-

bersecurity Law], passed November 7, 2016, effective June 1, 2017, arts. 6, 9, 12, 28, 67–68; Matthew Johnson, "China's Grand Strategy for Global Data Dominance," *CGSP Occasional Papers Series,* Hoover Institution, no. 2 (April 2023): 32; *Zhonghua Renmin Gongheguo Mima Fa* [PRC Password Law], passed October 26, 2019, art. 26; *Guowuyuan Bangongting Guanyu Yunyong Dashuju Jiaqiang Dui Shichang Zhuti Fuwu he Jianguan de Ruogan Yijian* [Several Opinions of the General Office of the State Council Regarding Using Big Data to Strengthen Market Principle Service and Supervision], June 24, 2015; Cyberspace Administration of China, *Jishi Tongxin Gongju Gongzhong Xinxi Fuwu Fazhan Guanli Zanxing Guiding* [Interim Provisions on the Management of the Development of Instant Messaging Tools of Public Information Services], issued and effective August 7, 2014, arts. 2, 6, 8. This is a sample and not an exhaustive list.

[40] *Zhonghua Renmin Gongheguo Wangluo Anquan Fa* [PRC Cybersecurity Law], passed November 7, 2016, effective June 1, 2017, art. 28; Matthew Johnson, "China's Grand Strategy for Global Data Dominance," *CGSP Occasional Papers Series,* Hoover Institution, no. 2 (April 2023): 32.

[41] Thomas Perkins and David Robinson, "TikTok Analysis," *Internet 2.0*, July 17, 2022, 1, 13–14; "Data Harvesting vs Data Mining," *Java T point*, accessed June 6, 2023.

[42] Alexandra Levine, "TikTok Creators' Financial Info, Social Security Numbers Have Been Stored in China," *Forbes,* May 30, 2023.

[43] Salvador Rodriguez, "TikTok Parent ByteDance Says Employees Improperly Accessed User Data," *Wall Street Journal,* December 22, 2022; Glenn Thrush and Sapna Maheshwari, "Justice Dept. Investigating TikTok's Owner over Possible Spying on Journalists," *New York Times,* March 17, 2023.

[44] Max Mason, "TikTok Code Being Worked On from China Prompts Fresh Alarm," *Australian Financial Review,* June 5, 2023.

[45] Max Mason, "TikTok Code Being Worked On from China Prompts Fresh Alarm," *Australian Financial Review,* June 5, 2023.

[46] Sarah Cook, Angeli Datt, Ellie Young, and BC Han, Freedom House, "Beijing's Global Media Influence: Authoritarian Expansion and the Power of Democratic Resilience," September 2022, 8.

[47] Sarah Cook, Angeli Datt, Ellie Young, and BC Han, Freedom House, "Beijing's Global Media Influence: Authoritarian Expansion and the Power of Democratic Resilience," September 2022, 8–9.

[48] Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security, and State Administration for Market Regulation, *Hulianwang Xinxi Fuwu Suanfa Tuijian Guanli Guiding* [Provisions on the Administration of Internet Information Service Algorithm Recommendations], issued December 31, 2021, effective March 1, 2022, art. 6; "Positive Energy," *China Media Project,* April 16, 2021. "Positive energy" in this context means content that puts the PRC in a positive light and is not critical or negative. Zeyi Yang, "The Dark Side of a Super App like WeChat," *MIT Technology Review,* October 18, 2022; Tracy Qu, "China's Algorithm Law Takes Effect to Curb Big Tech's Sway in Public Opinion," *South China Morning Post,* March 1, 2022.

[49] Josh Chin and Liza Lin, *Surveillance State: Inside China's Quest to Launch a New Era of Social Control* (New York: St. Martin's Press, 2022), 111.

[50] Seth Kaplan, "China's Censorship Reaches Globally through WeChat," *Foreign Policy,* February 28, 2023.

[51] Seth Kaplan, "China's Censorship Reaches Globally through WeChat," *Foreign Policy,* February 28, 2023.

[52] Gu Ting, "China Steps Up Social Media Censorship, 'Upgrades' Great Firewall Ahead of Congress," *Radio Free Asia,* October 17, 2022; Ericka Chickowski, "Deep Packet Inspection Explained," *AT&T Cybersecurity Blog,* AT&T Business, October 20, 2020. Deep packet inspection refers to the creation of a virtual "checkpoint" to monitor and stop specific data in transit between devices.

[53] Rita Liao and Zack Whittaker, "Popular Censorship Circumvention Tools Face Fresh Blockade by China," *TechCrunch*, October 5, 2022; Great Firewall Report, "Large Scale Blocking of TLS-Based Censorship Circumvention Tools in China," *Net4People* BBS, GitHub, October 4, 2022. TLS is an encrypted method for users to communicate with websites.

[54] Rights Defense Network, "Yishen huoxing qi nian de wangluo gongchengshi Ruan Xiaohuan (wangming Biancheng Suixiang) ershen yanqi" [Second-instance hearing of network engineer Ruan Xiaohuan (webname Program-Think), who was sentenced to seven years, has been postponed], May 21, 2023; Gao Feng, "Shanghai Court Jails Blogger for Seven Years over 'Subversive' Posts," *Radio Free Asia,* March 22, 2023; Nectar Gan, "An Influential Chinese Blogger Disappeared from the Internet. This Woman Says She Knows Why," *CNN,* March 29, 2023. For more information about Ruan Xiaohuan, see the Commission's Political Prisoner Database record 2023-00101.

[55] Rights Defense Network, "Yishen huoxing qi nian de wangluo gongchengshi Ruan Xiaohuan (wangming Biancheng Suixiang) ershen yanqi" [Second-instance hearing of network engineer Ruan Xiaohuan (webname Program-Think), who was sentenced to seven years, has been postponed], May 21, 2023; Nectar Gan, "An Influential Chinese Blogger Disappeared from the Internet. This Woman Says She Knows Why," *CNN,* March 29, 2023.

[56] Rights Defense Network, "Yishen huoxing qi nian de wangluo gongchengshi Ruan Xiaohuan (wangming Biancheng Suixiang) ershen yanqi" [Second-instance hearing of network engineer Ruan Xiaohuan (webname Program-Think), who was sentenced to seven years, has been postponed], May 21, 2023.

[57] Graham Webster, "How Will China's Generative AI Regulations Shape the Future? A DigiChina Forum," *DigiChina,* April 19, 2023; Spencer Feingold, "The EU's Artificial Intelligence Act, Explained," *World Economic Forum,* March 28, 2023. The European Union AI Act, also known as the Artificial Intelligence Act, focuses on strengthening rules around data quality,

transparency, human oversight, and accountability, and addresses ethical questions regarding the implementation of artificial intelligence in various sectors and scenarios through a risk classification system.

[58] Cyberspace Administration of China, Ministry of Industry and Information Technology, and Ministry of Public Security, *Hulianwang Xinxi Fuwu Shendu Hecheng Guanli Guiding* [Provisions on the Management of Deep Synthesis of Internet Information Services], issued December 11, 2022, effective January 10, 2023, arts. 4, 6, 11, 23; Karen Hao, "China, a Pioneer in Regulating Algorithms, Turns Its Focus to Deepfakes," *Wall Street Journal,* January 8, 2023; Afiq Fitri, "China Has Just Implemented One of the World's Strictest Laws on Deepfakes," *Tech Monitor,* January 10, 2023.

[59] Cyberspace Administration of China, Ministry of Industry and Information Technology, and Ministry of Public Security, *Hulianwang Xinxi Fuwu Shendu Hecheng Guanli Guiding* [Provisions on the Management of Deep Synthesis of Internet Information Services], issued December 11, 2022, effective January 10, 2023, arts. 4, 6, 11, 17, 23; Karen Hao, "China, a Pioneer in Regulating Algorithms, Turns Its Focus to Deepfakes," *Wall Street Journal,* January 8, 2023; Afiq Fitri, "China Has Just Implemented One of the World's Strictest Laws on Deepfakes," *Tech Monitor,* January 10, 2023; Hine Emmie and Luciano Floridi, "New Deepfake Regulations in China Are a Tool for Social Stability, but at What Cost?," *Nature Machine Intelligence* 4, no. 7 (2022): 608–10.

[60] Cyberspace Administration of China, *Guojia Hulianwang Xinxi Bangongshi Guanyu "Shengchengshi Rengong Zhineng Fuwu Guanli Banfa (Zhengqiu Yijian Gao)" Gongkai Zhengqiu Yijian de Tongzhi* [Cyberspace Administration of China Circular on Public Comment on the Administrative Measures for Generative Artificial Intelligence Services (draft for public comment)], April 11, 2023, arts. 4 (1),7.

[61] Helen Davidson, "'Political Propaganda': China Clamps Down on Access to ChatGPT," *Guardian,* February 23, 2023; China Daily (@zhongguoribo), "#ChatGPT zai shejiang wenti shang he Mei zhengfu koujing yizhi," [#ChatGPT is consistent with the US government on Xinjiang-related issues#], Weibo post, February 19, 2023, 8:00 p.m.; Hine Emmie and Luciano Floridi, "New Deepfake Regulations in China Are a Tool for Social Stability, but at What Cost?," *Nature Machine Intelligence* 4, no. 7 (2022): 608–10.

[62] U.S. Department of State, "PRC Efforts to Manipulate Global Public Opinion on Xinjiang," August 24, 2022; U.S. Department of Justice, "40 Officers of China's National Police Charged in Transnational Repression Schemes Targeting U.S. Residents," April 17, 2023.

[63] Fergus Ryan, Daria Impiombato, and Hsi-Ting Pai, "Frontier Influencers: The New Face of China's Propaganda," International Cyberpolicy Centre, Australian Strategic Policy Institute, Policy Brief 65 (October 20, 2022): 11–12, 36–42.

[64] Fergus Ryan, Daria Impiombato, and Hsi-Ting Pai, "Frontier Influencers: The New Face of China's Propaganda," International Cyberpolicy Centre, Australian Strategic Policy Institute, Policy Brief 65 (October 20, 2022): 11–12, 36–42; Daria Impiombato and Hsi-ting Pai, "How Chinese Influencers Are Dodging YouTube's Anti-Propaganda Rules," *Rest of World*, November 30, 2022; Fergus Ryan, "'Guerrilla' Influencers Are Pushing Chinese Propaganda on YouTube," *Nikkei Asia,* December 4, 2022.

[65] Max Mason, "How Beijing Uses TikTok's Sister App to Spread Propaganda," *Australian Financial Review,* December 6, 2022.

[66] Albert Zhang and Tilla Hoja, "China's Information Operations Are Silencing and Influencing Global Audiences on Xinjiang," *Strategist* (blog), Australian Strategic Policy Institute, July 20, 2022.

[67] Sarah Cook, Freedom House, "Beijing's Global Media Influence 2022: Authoritarian Expansion and the Power of Democratic Resilience," September 2022.

IX. Tibet

TIBET

Findings

- The Commission did not observe any interest from People's Republic of China (PRC) officials in resuming formal negotiations with the Dalai Lama's representatives, the last round of which, the ninth, was held in January 2010.
- The PRC continued to restrict, and seek to control, the religious practices of Tibetans, the majority of whom practice Tibetan Buddhism. Authorities in Tibetan areas issued prohibitions on forms of religious worship, particularly during important religious events or around the times of politically sensitive anniversaries, and restricted access to religious institutions and places of worship, including Tibetan Buddhist monasteries and temples. The PRC continued to assert control over the process of selection and recognition of Tibetan Buddhist reincarnated teachers, including the Dalai Lama.
- The Commission did not observe reports of Tibetan self-immolations that occurred during the 2023 reporting year, the first year since 2021 in which no self-immolations were reported to have occurred. Chinese authorities reportedly continued to harass family members of Tibetans who had self-immolated in the past.
- International observers expressed concern over reports in recent years of PRC policies aimed at severely restricting the domains of usage of Tibetan and other local languages, including school closures, reduction in school instruction in languages other than Standard Mandarin, and a network of colonial boarding schools that house a majority of Tibetan school-age children.
- Reports published this year documented police-run programs in the Tibet Autonomous Region and Qinghai province in which officials have collected sensitive biometric information from millions of Tibetans and other local residents in recent years. The DNA, blood sample, and iris scan collection programs reportedly are employed as forms of social control, surveillance, and repression of the residents of Tibet.
- In contravention of international human rights standards, officials punished residents of Tibetan areas for exercising protected rights, including the expression of religious belief, criticism of PRC policies, and sharing information online. Notable cases this past year included those of writer **Rongbo Gangkar,** a writer and translator detained since 2021 after he led a discussion at a meeting in which he advocated celebration of the Dalai Lama's birthday; **Thubsam,** accused of sending "information about Tibet" to individuals in Europe and India, and later sentenced to two years in prison for "leaking state secrets" and "separatism"; and **Jamyang,** also known as Zangkar Jamyang, a writer detained in June 2020 and held incommunicado until information emerged in March 2023 on his four-year sentence related to his advocacy for Tibetan language rights in schools.

Recommendations

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

- Work with the United Nations to help set up visits by U.N. human rights officials, including the High Commissioner for Human Rights, the Special Rapporteur on minority issues, and the Special Rapporteur on the right to education, to Tibetan areas of China to independently assess the human rights situation there, free of any restrictions or hindrances by Chinese Communist Party or government officials, to be followed by a full report to the United Nations on their findings.
- Adopt and implement appropriate legislation to prohibit American companies doing business with Chinese police and other law enforcement agencies in Tibet from selling or providing equipment used by those forces in gross human rights violations, including mass coercive biometric data-gathering and surveillance programs.
- Work with government officials, parliamentarians, and non-governmental organizations in like-minded countries to pressure the Chinese government and Communist Party to respect, as a matter of the right to religious freedom and as recognized under Chinese and international law, that it is the right of Tibetan Buddhists to identify and educate all religious teachers, including the Dalai Lama, in a manner consistent with Tibetan Buddhist practices and traditions.
- Urge the Chinese government to cease treating the Dalai Lama as a security threat, and encourage the resumption of genuine dialogue, without preconditions, between the Chinese government and the Dalai Lama or his representatives.
- In interactions with Chinese officials, call for the release of Tibetan political prisoners currently detained or imprisoned for the peaceful exercise of their human rights. The records of detained Tibetans in the Commission's Political Prisoner Database provide a useful resource for such advocacy. Urge the Chinese government and its law enforcement and security forces to end the use of arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish Tibetans for the peaceful exercise of their rights.
- Urge the Chinese government to invite representatives of governments and international organizations to meet with **Gedun Choekyi Nyima,** whom the Dalai Lama recognized as the 11th Panchen Lama, and his parents, all three of whom disappeared shortly after his recognition as Panchen Lama in 1995.

Status of Negotiations between the Chinese Government and the Dalai Lama or His Representatives

During the Commission's 2023 reporting year, the Commission did not observe any interest on the part of People's Republic of China (PRC) officials in resuming formal negotiations with the Dalai Lama or his representatives. The last round of negotiations, the ninth, was held in January 2010.[1]

Self-Immolations

The Commission did not observe reports of Tibetan self-immolations that occurred during the 2023 reporting year, the first year since 2021 in which no self-immolations were reported to have occurred.[2] The Commission has observed 154 self-immolations reported to focus on political or religious issues since 2009 in Tibetan areas.[3] Radio Free Asia reported that Chinese authorities in Gansu and Sichuan provinces continued to harass family members of Tibetans who had self-immolated, denying them employment opportunities, preventing them from taking university admissions exams, and in at least one case imprisoning the nephew of a self-immolator for contacting people outside Tibet.[4]

Religious Freedom for Tibetans

The PRC continued to restrict, and seek to control, the religious practices of Tibetans, particularly practitioners of Tibetan Buddhism. International observers and rights advocacy groups reported on continuing violations of international human rights standards, including the right to freely worship and to choose one's own religion, that result from PRC religious policy and its implementation.[5] PRC officials exercise political control and supervision of Tibetan Buddhist monastic and educational institutions through the United Front Work Department's National Religious Affairs Administration.[6] [For more information on religion and religious freedom in China, see Chapter 3—Freedom of Religion.]

During the 2023 reporting year, PRC organizations continued to target Tibetan Buddhist monks and nuns with propaganda in ideological education sessions held at monastic institutions and other sites.[7] These propaganda efforts included the study of Chinese Communist Party ethnic and religious policy initiatives and priorities, such as the "sinicization" of Tibetan Buddhism and managing the practice of Tibetan Buddhism "to adapt to socialist society";[8] as well as Chinese legal provisions, including the Measures on the Management of the Reincarnation of Living Buddhas[9] and local religious regulations.[10] These study sessions emphasized the Party and government's primacy over and control of religious institutions[11] and monks' and nuns' responsibilities to be loyal to and supportive of the Party and government.[12] The propaganda campaigns at monastic institutions placed special focus this year on the 20th National Congress of the Chinese Communist Party,[13] and authorities across Tibet reportedly ordered monks to watch broadcasts of the 20th Party Congress at their monasteries.[14]

PRC authorities in Tibetan areas issued prohibitions on forms of religious worship, particularly during important religious events or around the times of politically sensitive anniversaries, and restricted access to religious institutions and places of worship, including Tibetan Buddhist monasteries and temples.[15] Examples from this past year included:

- **Ganzi TAP: Prohibitions on religious celebrations for the Dalai Lama's birthday.**[16] Authorities in some Tibetan areas, including Kardze (Ganzi) Tibetan Autonomous Prefecture (TAP), Sichuan province, stepped up surveillance of Tibetans around the time of the Dalai Lama's July 6 birthday, reportedly stationing informants in some homes to ensure that residents were not conducting religious rituals in celebration.[17] Authorities also warned Tibetans not to share images on their phones and threatened those found with images of the Dalai Lama on their phones with detention or imprisonment.[18]
- **Detention for creating unauthorized WeChat group.** In July 2022, police in Sershul (Shiqu) county, Kardze (Ganzi) TAP, took into custody **Lotse,**[19] accusing him of setting up a WeChat group without registering it with authorities.[20] The WeChat group, "Happy 80th Birthday" (in Tibetan, "*80 'khrungs skar*"), had approximately 100 members "from across Tibet," and was created to celebrate the birthdays of Tibetan religious figures.[21]
- **Warning against celebrating the birthday of Kirti Rinpoche.** Sichuan province authorities warned Tibetans against online celebrations of the August 8 birthday of Kirti Rinpoche, the exiled Tibetan Buddhist religious leader of Kirti Monastery, located in Ngaba (Aba) county, Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture (T&QAP), Sichuan.[22] In 2021, authorities in Aba and Dzoege (Ruo'ergai) counties banned religious activities at Kirti Monastery around the same date.[23]
- **Death in custody and police torture.** On August 24, 2022, police in Serthar (Seda) county, Kardze (Ganzi) TAP, detained five Tibetan residents of Serthar after they lit incense for a religious ceremony and prayed in public.[24] Officials initially held **Chugdar, Gelo, Tsedo, Bamo,** and **Kori**[25] at a Serthar detention facility and refused to let their families visit them in detention or send them food.[26] On August 26, authorities told Chugdar's family that he had died in custody and told them that they could only collect his body if they signed a document stating that police had not caused his death, offering financial compensation in return for compliance.[27] Sources alleged that police tortured the five detainees and that this torture had caused Chugdar's death.[28]
- **Prison sentences for sending donations abroad.**[29] Information emerged in November 2022 on the April 2021 detentions of **Rachung Gedun** and **Sonam Gyatso,** two senior monks at Kirti Monastery.[30] Chinese authorities accused the two monks of having sent donations to the Dalai Lama and Kirti Rinpoche, both of whom live in exile in India.[31] In July 2022, an unidentified court sentenced Rachung Gedun to three years in prison, and Sonam Gyatso to two years.[32]

THE DALAI LAMA

Reports continued to emerge this year of Chinese authorities penalizing Tibetans for expressions of reverence for the Dalai Lama, including through harassment and surveillance, detention, and imprisonment. Authorities in Tibetan areas reportedly detained Tibetans in connection with celebrations or observances of the Dalai Lama's birthday, discussions of him and well-wishes for him online, and possession of his image or recordings of his teachings, including the following cases:

- **Rongbo Gangkar.**[33] On an unknown date in or around early 2021, authorities in Rebgong (Tongren) county, Malho (Huangnan) Tibetan Autonomous Prefecture, Qinghai province, detained Rongbo Gangkar, a Tibetan writer and translator, near Rebgong's Rongbo Gonchen Monastery.[34] Based on information from local sources, Radio Free Asia (RFA) later reported that officials had detained Rongbo Gangkar after he led a discussion at a meeting in which he advocated celebration of the Dalai Lama's birthday.[35] Rongbo Gangkar's whereabouts in custody were unconfirmed, but one source told RFA that authorities held him at a Rebgong detention facility.[36]
- **Sisters detained over Dalai Lama photo.** On July 11, 2022, police in Amdo (Anduo) county, Nagchu (Naqu) municipality, Tibet Autonomous Region (TAR), detained **Yudron,** a young Tibetan woman.[37] Several weeks earlier, Amdo county officials had detained Yudron's older sister **Dzumkar**[38] after finding a photo of the Dalai Lama on an altar during a search of their house.[39] Police transferred both women to an unknown detention facility or facilities in Lhasa municipality, TAR.[40]
- **Detention for possession of Dalai Lama images, pendant.** On August 12, 2022, authorities in Lhasa detained **Karma Samdrub**[41] on suspicion of "contacting separatists" after he was found with images of the Dalai Lama in his car and on a pendant he was wearing.[42]

COVID-19 in the Tibet Autonomous Region

After the rapid spread of coronavirus disease 2019 (COVID-19) across Tibet beginning in mid-2022, the subsequent official response of lockdowns and sending residents to mass quarantine centers in parts of the TAR led to widespread criticism of "zero-COVID" measures and to the largest protests in Tibet since 2008. Following COVID-19 outbreaks in August 2022, authorities ordered lockdowns in parts of the TAR including Lhasa and Shigatse (Rikaze) municipalities and Ngari (Ali) prefecture, confining residents to their homes, enforcing frequent testing, and sending thousands of residents to mass quarantine centers.[43] In September and October, sources reported that Lhasa residents were publicly complaining about authorities' failure to control the outbreaks and to provide food, medicine, and adequate housing conditions for those in lockdown or in quarantine facilities.[44] Online commenters reported inappropriate use of quarantine orders, including for those who were not confirmed to have COVID-19, uninhabitable conditions and inadequate food at quarantine centers, and severe difficulties in obtaining food and financial support for people forced to

stop working.[45] In late September, at least five Lhasa residents reportedly committed suicide under the strain of lockdown conditions.[46]

Despite a public apology by Lhasa's vice mayor in late September,[47] officials responded to residents' discontent over zero-COVID measures by censoring online complaints and investigating and detaining hundreds of people for expressing their grievances.[48] On October 10, the Lhasa Public Security Bureau announced that it had ordered administrative punishments for over 1,000 people suspected of violating anti-COVID measures.[49] Heavy communications restrictions in the TAR limited reporting on these detainees, but information was available on some individual cases, including mother and daughter **Rigzin Drolma** and **Tashi Yangkyi,** detained in Lhasa in August for sharing "illegal photos," ostensibly referring to the COVID-19 situation in Tibet;[50] and **Yidam,** one of two people detained in Lhasa after they organized volunteers to create stone prayer engravings for victims of COVID-19.[51] Outside the TAR, Tibetan language teacher **Gontse** was detained in Sichuan province in August for sharing photos and videos of lockdown conditions in Lhasa.[52]

After TAR authorities announced in late October that they would partially relax some of the lockdown restrictions, hundreds of protesters demonstrated in Lhasa against continuing COVID controls.[53] Sources reported that many of the protesters appeared to be Han Chinese migrant workers demanding permission to leave Tibet to return to their homes elsewhere in China.[54] Of approximately 200 protesters detained in connection with the Lhasa protests, 47 were Tibetan; authorities reportedly discriminated against Tibetan detainees by holding them in custody for longer periods (14 days in detention, compared with 1 day for many non-Tibetan detainees), interrogating them repeatedly and denying them adequate food.[55]

Mass Biometric Data Collection and Surveillance in Tibetan Areas

During the past year, rights and technology monitoring groups documented massive police surveillance programs in Tibetan areas where officials have been collecting sensitive biometric information from millions of Tibetans and other local residents.[56] Human Rights Watch wrote in September 2022 about DNA collection programs in the TAR in recent years, in which public security officials collected blood samples, apparently without obtaining consent, and possibly without any way for individuals to refuse to participate.[57] A Citizen Lab report, also published in September, found that public security officials had collected between 919,000 and 1.2 million DNA samples in the TAR between 2016 and 2022.[58] Some DNA collection programs took place at primary schools, targeting children and reportedly without parental involvement or consent.[59] Citizen Lab found that Tibetan Buddhist monasteries and resident monks were also targets for DNA collection.[60] In December 2022, Citizen Lab separately reported on an iris scan collection program in Qinghai province from 2019 to 2022.[61] The program, also organized by public security agencies, may have collected around 1.2 to 1.4 million iris scans in those three years, amounting to between 21 and 25 percent of Qinghai's population.[62]

Public security officials have offered a range of justifications for the biometric data collection programs, but the author of the Citizen Lab reports found that the DNA collection program "is a form of social control directed against Tibet's people"[63] and that the Qinghai iris scan collection program "effectively treat[s] entire communities as populated by potential threats to social stability."[64] Both the DNA and iris scan collection programs are notable for being operated separate from any criminal investigation.[65]

In light of concerns over these programs, in December 2022, the Commission wrote to Thermo Fisher Scientific, an American company that manufactures DNA kits and sequencers that police in the TAR have purchased,[66] to inquire into Thermo Fisher's knowledge of how its products are used by police and other security forces, and the extent to which the company was taking steps to prevent its products from being used in human rights abuses.[67] In response, Thermo Fisher's president and chief executive officer wrote that the company believed that the use of its products by TAR police was "entirely consistent with . . . routine forensics investigations";[68] the company did not address concerns that law enforcement agencies in the TAR have engaged in human rights abuses.[69]

Language and Cultural Rights

China's Constitution and laws contain provisions affirming the freedom of ethnic minorities to "use and develop"[70] their languages, yet Chinese authorities continued to threaten linguistic rights in Tibetan areas, including through implementation of policies promoting or enforcing the use of Mandarin Chinese instead of Tibetan, as well as policies of neglect with regard to minority languages. PRC ethnic policy ignores unrecognized linguistic communities, including in Tibetan areas,[71] and individuals or commu-

nities with languages that lack official recognition are deprived of access to official support in education and other government services.[72] The U.N. Convention on the Rights of the Child, to which China is a State Party,[73] recognizes and protects the rights of ethnic and linguistic minority groups to use their languages.[74] [For more information on language rights and ethnic policy, see Chapter 7—Ethnic Minority Rights.]

Chinese authorities restricted the scope of Tibetan-language education, or announced plans to do so, in parts of Tibet. In Ngaba (Aba) Tibetan and Qiang Autonomous Prefecture, Sichuan province, education officials reportedly began to phase out the use of Standard Tibetan as an instructional language in primary and secondary schools in early 2023, relegating Tibetan-language study to a single class.[75] Radio Free Asia reported that the 2023 nationwide university entrance examinations (*gaokao*) were only offered in Mandarin Chinese, and not regional languages, for the first time.[76] Prefectural education bureau officials in Kardze (Ganzi) Tibetan Autonomous Prefecture, Sichuan, announced that Tibetan-language classes would not be offered at all in primary schools beginning in 2024.[77]

International observers expressed concern over recent reports of PRC policies aimed at severely restricting the domains of usage of Tibetan and other local languages and threatening the cultural rights of Tibetans. In a November 2022 letter, four U.N. Special Rapporteurs "express[ed] serious concern about . . . a series of oppressive actions against Tibetan educational, religious[,] and linguistic institutions," including school closures, reduction in school instruction in languages other than Standard Mandarin, and a network of colonial boarding schools that house a majority of Tibetan school-age children.[78] Six U.N. Special Rapporteurs, in a February 2023 letter to the Chinese government expressing concern over labor transfer programs in Tibetan areas, noted that the programs were "eroding Tibetan minority languages, cultural practices, and religion" in both execution and intent.[79]

In its March 2023 concluding observations on China's compliance with the International Convention on Economic, Social and Cultural Rights, the U.N. Committee on Economic, Social and Cultural Rights urged China to afford all citizens the "right to enjoy fully their own cultural identity and take part in cultural life [and] to ensure the use and practice of their language and culture[,]" and called on China "to abolish immediately the coerced residential (boarding) school system imposed on Tibetan children and allow private Tibetan schools to be established."[80] The Committee also called on China to "take adequate measures to protect cultural diversity and the cultural practices and heritage of religious minorities" over concerns about the "systematic and massive destruction of religious sites" in China.[81]

Restrictions on the Freedom of Expression and the Free Flow of Information

During the 2023 reporting year, Tibet remained[82] one of the most closed-off areas in the world, with tight restrictions on communications into and out of the region.[83] Chinese authorities continued to restrict contact between Tibetans in Tibetan areas of

China and individuals or groups abroad, including by punishing or threatening to punish those found to have contact with Tibetans in exile—often those in India—or who have shared information in Tibet about Tibetans living abroad.[84] Chinese authorities also strictly monitored online communications platforms to find and punish Tibetans who were alleged to have committed crimes online.[85] Illustrative examples of Tibetans detained by Chinese authorities in connection with online expression included:

- **Yangdron.**[86] On November 15, 2022, public security officials in Damshung (Dangxiong) county, Lhasa municipality, Tibet Autonomous Region (TAR), detained Yangdron, a restaurant owner and Damshung resident, reportedly in connection with her criticism on social media of Chinese authorities' misrule and abuse of power in Tibet.[87]
- **Thubsam.**[88] On May 3, 2022, public security officials in Kardze (Ganzi) county, Kardze (Ganzi) Tibetan Autonomous Prefecture (TAP), Sichuan province, detained Thubsam, a 28-year-old Tibetan craftsman originally from Sershul (Shiqu) county, Kardze TAP.[89] Authorities reportedly accused him of sending "information about Tibet" to individuals in Europe and India.[90] His whereabouts in custody were not reported, but on November 21, officials from the Ganzi TAP Intermediate People's Court told his wife and brother that the court had sentenced him to two years in prison for "leaking state secrets" and "separatism."[91]
- **Palgon.**[92] In August 2022, police in Golog (Guoluo) TAP, Qinghai province, detained Palgon, a 30-year-old Tibetan writer and former teacher from Pema (Banma) county, Golog TAP, after he contacted Tibetans living abroad and offered prayers to the Dalai Lama.[93] Detailed information on his detention, including his whereabouts, his condition in custody, and the official accusation against him, was unavailable; authorities did not provide Palgon's family this information either.[94]
- **Yangtso.**[95] On March 2, 2023, police in Namling (Nanmulin) county, Shigatse (Rikaze) municipality, TAR, detained Yangtso, a 23-year-old Namling resident and restaurant employee, after checking her phone and finding that she had sent photos and videos to someone outside China; the content of the photos and videos was not reported.[96] Her family was unable to visit her in detention at an unidentified facility in Shigatse.[97]
- **Guru Kyab.**[98] In late December 2022, information emerged about the case of Guru Kyab, a Tibetan resident of Chigdril (Jiuzhi) county, Golog TAP, whom Chinese authorities detained on an unknown date in 2021 for corresponding with Tibetans living outside China.[99] Detailed information on his detention was limited, but sources reported that he served a prison sentence of at least one year until his release in November 2022.[100] He went to India in 2016 and maintained contact with people there upon his return to Tibet.[101] Following the end of his sentence in November 2022, authorities kept Guru Kyab under post-release restrictions as a "high-level suspect target."[102]

In December 2022, the TAR People's Congress Standing Committee passed the TAR Regulations on the Administration of Net-

work Information Security (the Regulations) to comply with requirements of the PRC Cybersecurity Law and the PRC National Security Law.[103] The Regulations, which took effect on February 1, 2023, officially promote the creation and dissemination of several types of online content,[104] prohibit others,[105] and require that internet service providers, alongside public and state security agencies, create platforms to facilitate reporting by individuals or organizations of "behavior threatening network information security."[106] While the Regulations do not define this behavior, the list of content types which individuals and groups are prohibited from creating, sharing, downloading, or forwarding includes content that:

- publicizes the symbols of "Tibetan independence" organizations or their members' images, comments, and activities;[107]
- "distorts and slanders human rights conditions in Tibet";[108]
- "distorts or undermines the use of Standard Mandarin Chinese as the national commonly used language and script";[109] and
- "distorts and slanders Chinese religious policy and laws", pointing to legal measures by which the PRC asserts its control over the selection and recognition of reincarnated Tibetan Buddhist teachers.[110]

SIX TIBETAN INTELLECTUALS DETAINED IN SICHUAN PROVINCE

In September 2022, the Kardze (Ganzi) Intermediate People's Court in Kardze (Ganzi) Tibetan Autonomous Prefecture, Sichuan, sentenced six Tibetan writers and intellectuals to prison terms ranging from 4 to 14 years on charges including "inciting separatism."[111] Chinese authorities detained the six—**Drubpa Kyab, Tsering Drolma, Samdrub, Gangbu Yubum, Senam,** and **Pema Rinchen**—between late 2020 and spring 2021, and while the Commission observed reports of their detentions as early as 2021, further reporting on their detentions did not emerge until October 2022.[112] Detailed information on their cases, including what Chinese authorities alleged was evidence of "inciting separatism," remained unavailable.[113] Each of the six prisoners had previously been detained by Chinese authorities at least once.[114]

Heavy Restrictions Remain on Freedom of Movement, Travel, and Access to Tibet

This reporting year, Chinese authorities maintained heavy restrictions on physical access to Tibet and movement within or from Tibet, with periodic intensification of physical restrictions and inspection and surveillance at "politically sensitive" times of year.[115] The Foreign Correspondents' Club of China reported that no foreign reporters surveyed who applied for access to report in the Tibet Autonomous Region (TAR) in 2022 were granted such permission.[116] Authorities in Lhasa municipality, TAR, restricted the numbers of visitors at the Jokhang Temple and the Potala Palace around the time of the Dalai Lama's birthday in July 2022.[117] Prior to the Tibetan New Year (*Losar*) in February 2023, TAR authorities reportedly conducted raids in several municipalities and stepped up surveillance on residents,[118] leading some Tibetans to

ask relatives living abroad not to contact them for fear of official scrutiny and possible retaliation.[119] Lhasa officials also ordered the temporary closure of the Jokhang Temple complex for several days in March 2023 around the time of the March 10 anniversary of the 1959 Tibetan uprising,[120] and increased inspections in the area around the Jokhang and other major religious sites several days later, coinciding with the March 14 anniversary of the 2008 Tibetan protests.[121]

Chinese authorities in Tibetan areas sought to prevent Tibetans from traveling to India. In December 2022, security officials in Shigatse (Rikaze) municipality, TAR, detained three Tibetans, accusing them of "having plans to travel to India."[122] The three—**Dradul, Sonam Gyatso,** and **Gonkyab**—were reportedly returning from a pilgrimage visit to Sekhar Guthog Monastery in Lhodrag (Luozha) county, Lhokha (Shannan) municipality, TAR, near the border with Bhutan.[123]

Notes to Chapter 17—Tibet

[1] U.S. Department of State, "Report to Congress on Tibet Negotiations, Section 613(b) of the Tibetan Policy Act of 2002 (22 U.S.C. 6901 note)," accessed June 15, 2022.

[2] Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 296; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 283.

[3] This cumulative total does not include six deaths by self-immolation of Tibetans in 2012 and 2013. Congressional-Executive Commission on China, "CECC Update: Tibetan Self-Immolations," January 10, 2017. See also International Campaign for Tibet, "Self-Immolation Fact Sheet," accessed June 8, 2023.

[4] Sangyal Kunchok, "Chinese Authorities in Tibet Go After Relatives of Self-Immolating Protestors," *Radio Free Asia,* April 5, 2023.

[5] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 18; International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 18.

[6] See, e.g., "Huangnan zhou Fojiao jie shenru kaizhan 'yao zuohao sengni, xian zuohao gongmin' zhuti jiaoyu shijian huodong" [Malho Prefecture Buddhists thoroughly launch education and implementation activity on the theme of "to be good monks and nuns, first be good citizens"], Qinghai Province United Front Work Department, July 29, 2022; Nyingtri Municipality Religious Small Leading Group Office for "Three Consciousnesses" Education, "Linzhi shi 'san ge yishi' jiaoyu zongjiao daibiao renshi xuanjiang tuan shenru Motuo xian zongjiao lingyu kaizhan Dang de Ershi Da jingshen ji 'san ge yishi' jiaoyu xuanjiang" [Nyingtri municipality's "three consciousnesses" education and religious representatives propaganda group thoroughly penetrates Metog county's religious sphere to launch education and propaganda on the spirit of the 20th Party Congress and the "three consciousnesses"], reprinted in Tibet Autonomous Region United Front Work Department, November 26, 2022. See also International Campaign for Tibet, "Party Above Buddhism: China's Surveillance and Control of Tibetan Monasteries and Nunneries," March 2021, 10–11.

[7] For past Commission coverage, see, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 283–84.

[8] See, e.g., Mindrolling Monastic Management Committee, "Zhanang xianwei shuji Tang Yong fu Minzhulin Si kaizhan 'san ge yishi' jiaoyu xuanjiang huodong" [Dranang county committee secretary Tang Yong visits Mindrolling Monastery to launch "three consciousnesses" education and propaganda activity], reprinted in Tibet Autonomous Region United Front Work Department, August 5, 2022.

[9] See, e.g., "Huangnan zhou Fojiao jie shenru kaizhan 'yao zuohao sengni, xian zuohao gongmin' zhuti jiaoyu shijian huodong" [Malho Prefecture Buddhists thoroughly launch education and implementation activity on the theme of "to be good monks and nuns, first be good citizens"], Qinghai Province United Front Work Department, July 29, 2022.

[10] See, e.g., "Huangnan zhou Fojiao jie shenru kaizhan 'yao zuohao sengni, xian zuohao gongmin' zhuti jiaoyu shijian huodong" [Malho Prefecture Buddhists thoroughly launch education and implementation activity on the theme of "to be good monks and nuns, first be good citizens"], Qinghai Province United Front Work Department, July 29, 2022; Lhasa Municipal United Front Work Department, "Lasa shi Fojiao Xiehui juban shoujie Xizang Fo Xueyuan Lasa shi ge simiao fenyuan xueyuan peixun ban" [Lhasa Municipal Buddhist Association holds first training session for various Lhasa monastery branches of the Tibetan Buddhist Institute], reprinted in Tibet Autonomous Region United Front Work Department, August 2, 2022.

[11] See, e.g., Mindrolling Monastic Management Committee, "Zhanang xianwei shuji Tang Yong fu Minzhulin Si kaizhan 'san ge yishi' jiaoyu xuanjiang huodong" [Dranang county committee secretary Tang Yong visits Mindrolling Monastery to launch "three consciousnesses" education and propaganda activity], reprinted in Tibet Autonomous Region United Front Work Department, August 5, 2022; Nyingtri Municipality Religious Small Leading Group Office for "Three Consciousnesses" Education, "Linzhi shi 'san ge yishi' jiaoyu zongjiao daibiao renshi xuanjiang tuan shenru Motuo xian zongjiao lingyu kaizhan Dang de Ershi Da jingshen ji 'san ge yishi' jiaoyu xuanjiang" [Nyingtri municipality's "three consciousnesses" education and religious representatives propaganda group thoroughly penetrates Metog county's religious sphere to launch education and propaganda on the spirit of the 20th Party Congress and the "three consciousnesses"], reprinted in Tibet Autonomous Region United Front Work Department, November 26, 2022.

[12] See, e.g., Chamdo Municipality United Front Work Department, "Changdu shi Jiangda xian 'si ge tuchu' chixu tuijin zongjiao jie 'san ge yishi' jiaoyu" [In Jomda county, Chamdo municipality, "four prominents" continue to carry forward education for the religious on the "three consciousnesses"], reprinted in Tibet Autonomous Region United Front Work Department, December 30, 2022; Mindrolling Monastic Management Committee, "Zhanang xianwei shuji Tang Yong fu Minzhulin Si kaizhan 'san ge yishi' jiaoyu xuanjiang huodong" [Dranang county committee secretary Tang Yong visits Mindrolling Monastery to launch "three consciousnesses" education and propaganda activity], reprinted in Tibet Autonomous Region United Front Work Department, August 5, 2022; Sog County Committee United Front Work Department, "Naqu shi zongjiao jie 'san ge yishi' jiaoyu xuanjiang tuan di er xuanjiang fentuan shenru Suo xian kaizhan 'san ge yishi' jiaoyu xuanjiang huodong" [Nagchu municipality religious sector's "three consciousnesses" education and propaganda group's second propaganda branch deeply penetrates Sog county to launch "three consciousnesses" educational and propaganda activities], reprinted in Tibet Autonomous Region United Front Work Department, July 5, 2022.

[13] See, e.g., Nyingtri Municipality Religious Small Leading Group Office for "Three Consciousnesses" Education, "Linzhi shi 'san ge yishi' jiaoyu zongjiao daibiao renshi xuanjiang tuan shenru Motuo xian zongjiao lingyu kaizhan Dang de Ershi Da jingshen ji 'san ge yishi'

jiaoyu xuanjiang" [Nyingtri municipality's "three consciousnesses" education and religious representatives propaganda group deeply penetrates Metog county's religious sphere to launch education and propaganda on the spirit of the 20th Party Congress and the "three consciousnesses"], reprinted in Tibet Autonomous Region United Front Work Department, November 26, 2022.

[14] Sangyal Kunchok, "Tibetans in Lhasa Forced to Watch China's 20th Party Congress," *Radio Free Asia,* October 17, 2022.

[15] See, e.g., Sangyal Kunchok, "Tibetans Skirt Tight Chinese Surveillance to Mark the Dalai Lama's 87th Birthday," *Radio Free Asia,* July 6, 2022.

[16] Yangchen Dolma, "Chinese Authorities Tightened Control of Tibetans on the Occasion of Birthday of His Holiness the Dalai Lama," *Tibet Post International,* July 13, 2022.

[17] Yangchen Dolma, "Chinese Authorities Tightened Control of Tibetans on the Occasion of Birthday of His Holiness the Dalai Lama," *Tibet Post International,* July 13, 2022; Sangyal Kunchok, "Tibetans Skirt Tight Chinese Surveillance to Mark the Dalai Lama's 87th Birthday," *Radio Free Asia,* July 6, 2022.

[18] Yangchen Dolma, "Chinese Authorities Tightened Control of Tibetans on the Occasion of Birthday of His Holiness the Dalai Lama," *Tibet Post International,* July 13, 2022.

[19] For more information on Lotse, see the Commission's Political Prisoner Database record 2022-00142.

[20] "80 'khrungs skar bsu zhes pa'i tshogs pa btsugs rkyen bod mi blo tshe 'dzin bzung byas" [Tibetan Lotse, organizer of group called Happy 80th Birthday, detained], *Tibet Times,* July 25, 2022; Sangyal Kunchok, "Tibetan Arrested for Creating 'Unlawful' WeChat Group," *Radio Free Asia,* July 27, 2022; Tibet Watch, "Tibetan Arrested for Not Registering WeChat Group," July 27, 2022.

[21] "80 'khrungs skar bsu zhes pa'i tshogs pa btsugs rkyen bod mi blo tshe 'dzin bzung byas" [Tibetan Lotse, organizer of group called Happy 80th Birthday, detained], *Tibet Times,* July 25, 2022; Sangyal Kunchok, "Tibetan Arrested for Creating 'Unlawful' WeChat Group," *Radio Free Asia,* July 27, 2022; Tibet Watch, "Tibetan Arrested for Not Registering WeChat Group," July 27, 2022.

[22] Sangyal Kunchok, "China Warns Tibetans Not to Post Birthday Wishes Online for Exiled Abbot," *Radio Free Asia,* August 4, 2022.

[23] Sangyal Kunchok, "China Warns Tibetans Not to Post Birthday Wishes Online for Exiled Abbot," *Radio Free Asia,* August 4, 2022; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 284.

[24] Paldan, "Gser rta nas bod mi lnga 'dzin bzung byas te bod mi gcig bsad yod 'dug" [Five Tibetans from Serta detained, one killed], *Tibet Times,* September 19, 2022; Tibet Watch, "Tibetan Killed in Police Detention in Serthar County," September 20, 2022; Sangyal Kunchok, "Chinese Authorities Allegedly Torture 5 Tibetans, 1 to Death, for Praying in Public," *Radio Free Asia,* September 21, 2022; Central Tibetan Administration, "Tibet: Two Tibetans Died from Police Torture in Kham Karze," September 30, 2022.

[25] For more information, see the Commission's Political Prisoner Database records 2023-00005 on Chugdar, 2023-00006 on Gelo, 2023-00007 on Tsedo, 2023-00008 on Bamo, and 2023-00009 on Kori.

[26] Paldan, "Gser rta nas bod mi lnga 'dzin bzung byas te bod mi gcig bsad yod 'dug" [Five Tibetans from Serta detained, one killed], *Tibet Times,* September 19, 2022; Tibet Watch, "Tibetan Killed in Police Detention in Serthar County," September 20, 2022; Sangyal Kunchok, "Chinese Authorities Allegedly Torture 5 Tibetans, 1 to Death, for Praying in Public," *Radio Free Asia,* September 21, 2022; Central Tibetan Administration, "Tibet: Two Tibetans Died from Police Torture in Kham Karze," September 30, 2022.

[27] Paldan, "Gser rta nas bod mi lnga 'dzin bzung byas te bod mi gcig bsad yod 'dug" [Five Tibetans from Serta detained, one killed], *Tibet Times,* September 19, 2022; Tibet Watch, "Tibetan Killed in Police Detention in Serthar County," September 20, 2022; Sangyal Kunchok, "Chinese Authorities Allegedly Torture 5 Tibetans, 1 to Death, for Praying in Public," *Radio Free Asia,* September 21, 2022; Central Tibetan Administration, "Tibet: Two Tibetans Died from Police Torture in Kham Karze," September 30, 2022.

[28] Paldan, "Gser rta nas bod mi lnga 'dzin bzung byas te bod mi gcig bsad yod 'dug" [Five Tibetans from Serta detained, one killed], *Tibet Times,* September 19, 2022; Tibet Watch, "Tibetan Killed in Police Detention in Serthar County," September 20, 2022; Sangyal Kunchok, "Chinese Authorities Allegedly Torture 5 Tibetans, 1 to Death, for Praying in Public," *Radio Free Asia,* September 21, 2022; Central Tibetan Administration, "Tibet: Two Tibetans Died from Police Torture in Kham Karze," September 30, 2022.

[29] For more information, see the Commission's Political Prisoner Database records 2022-00194 on Sonam Gyatso and 2022-00195 on Rachung Gedun.

[30] Yangchen Dolma, "China Sentences Tibetan Monk to Two Years in Prison for Allegedly Sending Money Abroad," *Tibet Post International,* November 4, 2022; Dangqiu, "Xizang Aba xian you yi sengren yin gongyang Dalai Lama er zaodao jubu panxing" [Another monk in Ngaba county, Tibet, detained and sentenced for offerings to Dalai Lama], *Voice of Tibet,* November 8, 2022; Tibetan Centre for Human Rights and Democracy, "Prosecuting Tibetan Buddhists for Making Offerings to Spiritual Teachers Is a Violation of Freedom of Religion and Belief," November 10, 2022.

[31] Yangchen Dolma, "China Sentences Tibetan Monk to Two Years in Prison for Allegedly Sending Money Abroad," *Tibet Post International,* November 4, 2022; Dangqiu, "Xizang Aba xian you yi sengren yin gongyang Dalai Lama er zaodao jubu panxing" [Another monk in Ngaba county, Tibet, detained and sentenced for offerings to Dalai Lama], *Voice of Tibet,* November 8, 2022; Tibetan Centre for Human Rights and Democracy, "Prosecuting Tibetan Buddhists for Making Offerings to Spiritual Teachers Is a Violation of Freedom of Religion and Belief," November 10, 2022.

[32] Yangchen Dolma, "China Sentences Tibetan Monk to Two Years in Prison for Allegedly Sending Money Abroad," *Tibet Post International,* November 4, 2022; Dangqiu, "Xizang Aba xian you yi sengren yin gongyang Dalai Lama er zaodao jubu panxing" [Another monk in Ngaba county, Tibet, detained and sentenced for offerings to Dalai Lama], *Voice of Tibet,* November 8, 2022; Tibetan Centre for Human Rights and Democracy, "Prosecuting Tibetan Buddhists for Making Offerings to Spiritual Teachers Is a Violation of Freedom of Religion and Belief," November 10, 2022.

[33] For more information on Rongbo Gangkar, see the Commission's Political Prisoner Database record 2023-00002.

[34] Sangyal Kunchok, "Tibetan Writer Held by China for 'Discussing' Dalai Lama," *Radio Free Asia,* December 30, 2022. Information about Rongbo Gangkar's detention was limited, and detailed reports on his case emerged outside China only in 2022. Lubum, "Bod nang gi rtsom pa po rong bo gangs dkar lags rgya nag gzhung gis 'dzin bzung byas 'dug" [Tibetan writer Rongbo Gangkar detained by Chinese authorities], *Radio Free Asia,* June 8, 2022; International Campaign for Tibet, "Tibetan Intellectuals and Writers Detained in Recent Spate," June 30, 2022.

[35] Sangyal Kunchok, "Tibetan Writer Held by China for 'Discussing' Dalai Lama," *Radio Free Asia,* December 30, 2022.

[36] Lubum, "Bod nang gi rtsom pa po rong bo gangs dkar lags rgya nag gzhung gis 'dzin bzung byas 'dug" [Tibetan writer Rongbo Gangkar detained by Chinese authorities], *Radio Free Asia,* June 8, 2022; Sangyal Kunchok, "Tibetan Writer Held by China for 'Discussing' Dalai Lama," *Radio Free Asia,* December 30, 2022.

[37] "Bod rigs bud med gyu sgron lags 'dzin bzung byas 'dug" [Tibetan woman Yudron detained], *Tibet Times,* July 13, 2022; Sangyal Kunchok, "Tibetan Woman Arrested for Dalai Lama Photo," *Radio Free Asia,* July 14, 2022. For more information on Yudron, see the Commission's Political Prisoner Database record 2022-00132.

[38] "Bod rigs bud med gyu sgron lags 'dzin bzung byas 'dug" [Tibetan woman Yudron detained], *Tibet Times,* July 13, 2022; Sangyal Kunchok, "Tibetan Woman Arrested for Dalai Lama Photo," *Radio Free Asia,* July 14, 2022. For more information on Dzumkar, see the Commission's Political Prisoner Database record 2022-00127.

[39] "Bod rigs bud med gyu sgron lags 'dzin bzung byas 'dug" [Tibetan woman Yudron detained], *Tibet Times,* July 13, 2022; Sangyal Kunchok, "Tibetan Woman Arrested for Dalai Lama Photo," *Radio Free Asia,* July 14, 2022.

[40] "Bod rigs bud med gyu sgron lags 'dzin bzung byas 'dug" [Tibetan woman Yudron detained], *Tibet Times,* July 13, 2022; Sangyal Kunchok, "Tibetan Woman Arrested for Dalai Lama Photo," *Radio Free Asia,* July 14, 2022.

[41] For more information on Karma Samdrub, see the Commission's Political Prisoner Database record 2022-00185.

[42] Lobsang Tenchoe, "Tibetan Youth Arrested for Possession of Dalai Lama Photo," *Tibet Express,* August 25, 2022; Sangyal Kunchok, "Chinese Authorities Arrest Tibetan Man for Having a Photo of the Dalai Lama," *Radio Free Asia,* August 25, 2022; Tibet Watch, "Another Tibetan Arrested for Possessing Photos of the Dalai Lama," August 26, 2022.

[43] Sonam Lhamo, "Tibetans Reveal Harsh Conditions under China's Zero COVID Policy," *Radio Free Asia,* September 15, 2022; Vivian Wang, "'At the Breaking Point': Tibetans, under Lockdown, Make Rare Cries for Help," *New York Times,* September 16, 2022; Manya Koetse, "Residents in Locked Down Lhasa Say Local Epidemic Situation Is a 'Giant Mess,'" *What's on Weibo,* September 16, 2022; Tibetan Centre for Human Rights and Democracy, "China's Zero-COVID Policy Must Be Compatible with Human Rights," September 18, 2022.

[44] Vivian Wang, "'At the Breaking Point': Tibetans, under Lockdown, Make Rare Cries for Help," *New York Times,* September 16, 2022; Manya Koetse, "Residents in Locked Down Lhasa Say Local Epidemic Situation Is a 'Giant Mess,'" *What's on Weibo,* September 16, 2022; Tibetan Centre for Human Rights and Democracy, "China's Zero-COVID Policy Must Be Compatible with Human Rights," September 18, 2022; Tibetan Centre for Human Rights and Democracy, "Violations Continue after China Issues Rare Public Apology for COVID Failure in Tibet," September 25, 2022; Robert Barnett, "In Tibet, Officials' Pursuit of Zero-COVID Sent Tens of Thousands into Mass 'Isolation' Facilities," *ChinaFile,* Asia Society, November 1, 2022.

[45] Vivian Wang, "'At the Breaking Point': Tibetans, under Lockdown, Make Rare Cries for Help," *New York Times,* September 16, 2022; Manya Koetse, "Residents in Locked Down Lhasa Say Local Epidemic Situation Is a 'Giant Mess,'" *What's on Weibo,* September 16, 2022; Tibetan Centre for Human Rights and Democracy, "China's Zero-COVID Policy Must Be Compatible with Human Rights," September 18, 2022; Tibetan Centre for Human Rights and Democracy, "Violations Continue after China Issues Rare Public Apology for COVID Failure in Tibet," September 25, 2022; Robert Barnett, "In Tibet, Officials' Pursuit of Zero-COVID Sent Tens of Thousands into Mass 'Isolation' Facilities," *ChinaFile,* Asia Society, November 1, 2022.

[46] Tibetan Centre for Human Rights and Democracy, "China's Zero-COVID Policy Pushes Five Tibetans to Commit Suicide in Three Days," September 27, 2022; Sangyal Kunchok, "At Least 5 Tibetans in Lhasa End Their Lives amid Harsh Chinese COVID Lockdown," *Radio Free Asia,* September 29, 2022.

[47] Zhuang Pinghui, "Officials in Tibet's Capital Lhasa Apologise for Handling of Lockdown after String of Complaints," *South China Morning Post,* September 18, 2022; International Campaign for Tibet, "Lhasa Authorities Admit Mishandling COVID Outbreak, Silence Tibetan Outrage," September 26, 2022.

[48] International Campaign for Tibet, "Lhasa Authorities Admit Mishandling COVID Outbreak, Silence Tibetan Outrage," September 26, 2022; Tibetan Centre for Human Rights and Democracy, "Tibetans Subjected to Discrimination and Detention amid Massive Protests against China's Zero-COVID Policy," November 29, 2022.

[49] Lhasa Municipal Public Security Bureau (@Ping'an Lasa), "Lasa gong'an chachu duo qi she yi weifa anjian" [Lhasa PSB investigates many cases of suspected epidemic-linked lawbreaking], WeChat post, October 10, 2022, 8:51 a.m.

[50] Kalsang Choephel, "Ma smad gnyis 'dzin bzung byas rjes bu mo bkra shis dbyangs skyid gar yod cha med du gyur" [After mother and daughter are detained, no information on whereabouts of daughter Tashi Yangkyi], *Tibet Times,* August 16, 2022; Dasang, "Yiqing qijian Xizang Naqu yi dui munü wugu zaoju, yi ren xialuo buming" [During epidemic, mother and daughter in Nagchu, Tibet, detained for no reason, whereabouts of one of them unknown], *Voice of Tibet,* August 17, 2022. For more information, see the Commission's Political Prisoner Database records 2022-00181 on Rigzin Drolma and 2022-00182 on Tashi Yangkyi.

[51] "Ma ni rdo brkos tshogs pa btsugs rkyen bod mi gnyis 'dzin bzung byas" [Two Tibetan organizers of mani stone engraving group detained], *Tibet Times,* March 7, 2023; Dangqiu, "Xizang Dangxiong xian liang Zangren jin yin zujian tuandui wei si yu xinguan wangling diaoke liuzi zhenyan bian zaobu" [Two Tibetans in Damshung county, Tibet, detained only for organizing group to carve mani engravings for COVID dead], *Voice of Tibet,* March 14, 2023. For more information on Yidam, see the Commission's Political Prisoner Database Record 2023-00099.

[52] Tibet Watch, "Tibetan Arrested after Making Social Media Post about Lhasa Lockdown," September 26, 2022; Sangyal Kunchok and Lobsang Gelek, "Tibetan Teacher Arrested for Online COVID Posts," *Radio Free Asia,* September 27, 2022. For more information on Gontse, see the Commission's Political Prisoner Database record 2022-00179.

[53] "Protests Spread in Lhasa over COVID-19 Restrictions," *Radio Free Asia,* October 27, 2022; "Han Chinese Migrants Stream Home from Lhasa, Causing Traffic Jams," *Radio Free Asia,* October 28, 2022; "Hundreds in Tibetan Capital Stage Rare Protest against COVID Lockdowns," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* October 29, 2022; "Authorities Allow Tibetans in Lhasa to Travel in Region amid COVID Wave," *Radio Free Asia,* November 2, 2022; Sangyal Kunchok, "200 Detained in Tibet's Capital Lhasa over COVID Protest," *Radio Free Asia,* November 3, 2022; Tibetan Centre for Human Rights and Democracy, "Tibetans Subjected to Discrimination and Detention amid Massive Protests against China's Zero-COVID Policy," November 29, 2022.

[54] "Protests Spread in Lhasa over COVID-19 Restrictions," *Radio Free Asia,* October 27, 2022; "Han Chinese Migrants Stream Home from Lhasa, Causing Traffic Jams," *Radio Free Asia,* October 28, 2022; "Hundreds in Tibetan Capital Stage Rare Protest against COVID Lockdowns," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* October 29, 2022; "Authorities Allow Tibetans in Lhasa to Travel in Region amid COVID Wave," *Radio Free Asia,* November 2, 2022; Sangyal Kunchok, "200 Detained in Tibet's Capital Lhasa over COVID Protest," *Radio Free Asia,* November 3, 2022; Tibetan Centre for Human Rights and Democracy, "Tibetans Subjected to Discrimination and Detention amid Massive Protests against China's Zero-COVID Policy," November 29, 2022.

[55] Sangyal Kunchok, "200 Detained in Tibet's Capital Lhasa over COVID Protest," *Radio Free Asia,* November 3, 2022; Tibetan Centre for Human Rights and Democracy, "Tibetans Subjected to Discrimination and Detention amid Massive Protests against China's Zero-COVID Policy," November 29, 2022.

[56] The biometric data gathering programs recall similar efforts carried out by Chinese security officials in the Xinjiang Uyghur Autonomous Region during the ongoing campaign of arbitrary mass detentions there targeting Uyghurs and members of other predominantly Muslim ethnic groups. Emile Dirks, "Mass DNA Collection in the Tibet Autonomous Region from 2016–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, September 13, 2022.

[57] Human Rights Watch, "China: New Evidence of Mass DNA Collection in Tibet," September 5, 2022.

[58] Emile Dirks, "Mass DNA Collection in the Tibet Autonomous Region from 2016–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, September 13, 2022.

[59] Human Rights Watch, "China: New Evidence of Mass DNA Collection in Tibet," September 5, 2022.

[60] Emile Dirks, "Mass DNA Collection in the Tibet Autonomous Region from 2016–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, September 13, 2022.

[61] Emile Dirks, "Mass Iris Scan Collection in Qinghai 2019–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, December 14, 2022.

[62] Emile Dirks, "Mass Iris Scan Collection in Qinghai 2019–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, December 14, 2022.

[63] Emile Dirks, "Mass DNA Collection in the Tibet Autonomous Region from 2016–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, September 13, 2022.

[64] Emile Dirks, "Mass Iris Scan Collection in Qinghai 2019–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, December 14, 2022.

[65] Emile Dirks, "Mass DNA Collection in the Tibet Autonomous Region from 2016–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, September 13, 2022; Emile Dirks, "Mass Iris Scan Collection in Qinghai 2019–2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, December 14, 2022.

[66] Mara Hvistendahl, "Tibetan Police Bought Thermo Fisher DNA Equipment, Chinese Government Documents Show," *Intercept,* September 13, 2022. Thermo Fisher was previously found to have supplied DNA sequencing equipment to police in the Xinjiang Uyghur Autonomous Region (XUAR), and only announced in 2019 that they would stop selling or servicing genetic sequencers there. In 2021, however, the New York Times reported that authorities in the XUAR were still buying Thermo Fisher-made equipment. Sui-Lee Wee, "China Still Buys American DNA Equipment for Xinjiang despite Blocks," *New York Times,* October 22, 2021.

[67] Letter from Jeffrey A. Merkley, James P. McGovern, Marco Rubio, and Christopher H. Smith, Commissioners, Congressional-Executive Commission on China, to Marc N. Casper, President and Chief Executive Officer, Thermo Fisher Scientific, December 15, 2022.

[68] Letter from Marc N. Casper, Chairman, President, and CEO, Thermo Fisher Scientific, to Jeffrey A. Merkley, Christopher H. Smith, Marco Rubio, and James P. McGovern, Commissioners, Congressional-Executive Commission on China, January 24, 2023.

[69] Human Rights Watch, "China: New Evidence of Mass DNA Collection in Tibet," September 5, 2022; Emile Dirks, "Mass DNA Collection in the Tibet Autonomous Region from 2016-2022," Citizen Lab, Munk School of Global Affairs & Public Policy, University of Toronto, September 13, 2022; Free Tibet, Students for a Free Tibet, and International Tibet Network, "Tibet Group Response to Thermo Fisher's Flawed Reply to the Congressional Executive Commission on China," February 28, 2023.

[70] *Zhonghua Renmin Gongheguo Xian Fa* [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 4; *Zhonghua Renmin Gongheguo Minzu Quyu Zizhi Fa* [PRC Regional Ethnic Autonomy Law], passed May 31, 1984, effective October 1, 1984, amended February 28, 2001, art. 10; *Zhonghua Renmin Gongheguo Guojia Tongyong Yuyan Wenzi Fa* [PRC Law on the Standard Spoken and Written Chinese Language], passed October 31, 2000, effective January 1, 2001, art. 8.

[71] See, e.g., State Council Information Office, "Minzu Quyu Zizhi Zhidu zai Xizang de Chenggong Shijian" [Successful Practice of Regional Ethnic Autonomy in Tibet], September 6, 2015, sec. 6. The State Council white paper on the ethnic autonomy system in the Tibet Autonomous Region refers to bilingual education policy in Tibetan and Chinese, but does not mention use of other languages in schools or any other context.

[72] Gerald Roche, "Articulating Language Oppression: Colonialism, Coloniality and the Erasure of Tibet's Minority Languages," *Patterns of Prejudice* 53, no. 5 (2019): 498.

[73] United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Rights of the Child, accessed June 8, 2023. China signed the Convention on the Rights of the Child on August 29, 1990, and ratified it on March 2, 1992.

[74] Convention on the Rights of the Child, adopted by U.N. General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, art. 30.

[75] Tibetan Centre for Human Rights and Democracy, "Chinese Medium Education Imposed in Schools across Ngaba despite Criticisms from Tibetan Scholars and Educators," May 1, 2023.

[76] Sangyal Kunchok, "China Is Requiring Tibetan Students to Take College Entrance Exams in Mandarin Only," *Radio Free Asia,* June 13, 2023.

[77] Free Tibet, "Chinese Authorities Plan to Bar All Tibetan Classes in Primary Schools in the Kham Karzê Region," June 16, 2023.

[78] Office of the U.N. High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on minority issues; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education and the Special Rapporteur on freedom of religion or belief to Wang Yi, State Councilor and Minister for Foreign Affairs, AL CHN 6/2022, November 11, 2022. See also Tibet Action Institute, "Separated from Their Families, Hidden from the World: China's Vast System of Colonial Boarding Schools inside Tibet," December 2021.

[79] Office of the U.N. High Commissioner for Human Rights, Letter from the Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to development; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on trafficking in persons, especially women and children, AL CHN 14/2022, February 6, 2023, 1. The Special Rapporteurs drew comparisons with forced labor and mass detention campaigns carried out in the Xinjiang Uyghur Autonomous Region. See also Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022.

[80] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, para. 89.

[81] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 90–91.

[82] See, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 290; Freedom House, "Countries and Territories," in *Freedom in the World 2022,* February 2022.

[83] Freedom House, "Freedom in the World 2023 Country Report: Tibet," accessed March 9, 2023; Freedom House, "Countries and Territories," in *Freedom in the World 2023,* March 2023.

[84] See, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 290–91; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 301–2.

[85] See, e.g., Dangqiu, "Xizang Dangxiong xian yi nüzi yin piping Zhonggong guanyuan lanyong quanli duidai Zangren er zaobu" [In Damshung county, Tibet, woman detained because of criticizing CCP officials' abuse of power and treatment of Tibetans], *Voice of Tibet,* November 22, 2022; Luosang, "Xizang Rikaze yi funü bei kong xiang jingwai chuansong zhaopian er zao jubu" [Woman in Shigatse, Tibet, detained, accused of sending photos abroad], *Voice of Tibet,* March 6, 2023.

[86] For more information on Yangdron, see the Commission's Political Prisoner Database record 2023-00028.

[87] "dbyangs sgron lags 'dzin bzung byas te gar yod cha med du gyur" [After being detained, Yangdron disappears], *Tibet Times,* November 21, 2022; Dangqiu, "Xizang Dangxiong xian yi nüzi yin piping Zhonggong guanyuan lanyong quanli duidai Zangren er zaobu" [In Damshung county, Tibet, woman detained because of criticizing CCP officials' abuse of power and treatment of Tibetans], *Voice of Tibet,* November 22, 2022.

[88] For more information on Thubsam, see the Commission's Political Prisoner Database record 2022-00191.
[89] "thub bsam zhu ba'i bod mi zhig la lo gnyis kyi btson 'jug khrims thag bcad yod 'dug" [Thubsam, a Tibetan, sentenced to two years in prison], *Tibet Times,* November 24, 2022; Yangchen Dolma, "China Jailed a Young Tibetan for Two Years for Allegedly Sending Information to the World," *Tibet Post International,* November 24, 2022; Dangqiu, "Xizang Shiqu yi Zangren zao dangju yi xielu guojia jimi wei ming panchu 2 nian tuxing" [In Sershul, Tibet, Tibetan man sentenced to 2 years in prison for leaking state secrets], *Voice of Tibet,* November 28, 2022.
[90] "thub bsam zhu ba'i bod mi zhig la lo gnyis kyi btson 'jug khrims thag bcad yod 'dug" [Thubsam, a Tibetan, sentenced to two years in prison], *Tibet Times,* November 24, 2022; Yangchen Dolma, "China Jailed a Young Tibetan for Two Years for Allegedly Sending Information to the World," *Tibet Post International,* November 24, 2022; Dangqiu, "Xizang Shiqu yi Zangren zao dangju yi xielu guojia jimi wei ming panchu 2 nian tuxing" [In Sershul, Tibet, Tibetan man sentenced to 2 years in prison for leaking state secrets], *Voice of Tibet,* November 28, 2022.
[91] "thub bsam zhu ba'i bod mi zhig la lo gnyis kyi btson 'jug khrims thag bcad yod 'dug" [Thubsam, a Tibetan, sentenced to two years in prison], *Tibet Times,* November 24, 2022; Yangchen Dolma, "China Jailed a Young Tibetan for Two Years for Allegedly Sending Information to the World," *Tibet Post International,* November 24, 2022; Dangqiu, "Xizang Shiqu yi Zangren zao dangju yi xielu guojia jimi wei ming panchu 2 nian tuxing" [In Sershul, Tibet, Tibetan man sentenced to 2 years in prison for leaking state secrets], *Voice of Tibet,* November 28, 2022.
[92] For more information on Palgon, see the Commission's Political Prisoner Database record 2023-00038.
[93] "Chinese Authorities Detain Tibetan Writer for Contacting People in Exile," *Radio Free Asia,* January 25, 2023.
[94] "Chinese Authorities Detain Tibetan Writer for Contacting People in Exile," *Radio Free Asia,* January 25, 2023.
[95] For more information on Yangtso, the Commission's Political Prisoner Database record 2023-00084.
[96] "phyi phyogs su 'brel ba yod pa'i nyes ming gyogs te dbyangs mtsho lags 'dzin bzung byas" [Yangtso detained for crime of having contact with foreigners], *Tibet Times,* March 4, 2023; Luosang, "Xizang Rikaze yi funü bei kong xiang jingwai chuansong zhaopian er zao jubu" [Woman in Shigatse, Tibet, detained, accused of sending photos abroad], *Voice of Tibet,* March 6, 2023.
[97] "phyi phyogs su 'brel ba yod pa'i nyes ming gyogs te dbyangs mtsho lags 'dzin bzung byas" [Yangtso detained for crime of having contact with foreigners], *Tibet Times,* March 4, 2023; Luosang, "Xizang Rikaze yi funü bei kong xiang jingwai chuansong zhaopian er zao jubu" [Woman in Shigatse, Tibet, detained, accused of sending photos abroad], *Voice of Tibet,* March 6, 2023.
[98] For more information on Guru Kyab, see the Commission's Political Prisoner Database record 2023-00029.
[99] Paldan, "bod mi zhig lo gcig lhag btson 'jug byas nas klod grol btang" [Tibetan released after over a year in prison], *Tibet Times,* December 30, 2022; Zhacuo, "Xizang Jiuzhi xian yi Zangren jin yin yu jingwai lianxi bian zao panchu 1 nian duo, huoshi hou reng shou jianshi" [In Chigdril county, Tibet, Tibetan man sentenced to more than 1 year because of contacting foreigners, after release still under surveillance], *Voice of Tibet,* January 2, 2023.
[100] Paldan, "bod mi zhig lo gcig lhag btson 'jug byas nas klod grol btang" [Tibetan released after over a year in prison], *Tibet Times,* December 30, 2022; Zhacuo, "Xizang Jiuzhi xian yi Zangren jin yin yu jingwai lianxi bian zao panchu 1 nian duo, huoshi hou reng shou jianshi" [In Chigdril county, Tibet, Tibetan man sentenced to more than 1 year because of contacting foreigners, after release still under surveillance], *Voice of Tibet,* January 2, 2023.
[101] Paldan, "bod mi zhig lo gcig lhag btson 'jug byas nas klod grol btang" [Tibetan released after over a year in prison], *Tibet Times,* December 30, 2022; Zhacuo, "Xizang Jiuzhi xian yi Zangren jin yin yu jingwai lianxi bian zao panchu 1 nian duo, huoshi hou reng shou jianshi" [In Chigdril county, Tibet, Tibetan man sentenced to more than 1 year because of contacting foreigners, after release still under surveillance], *Voice of Tibet,* January 2, 2023.
[102] Paldan, "bod mi zhig lo gcig lhag btson 'jug byas nas klod grol btang" [Tibetan released after over a year in prison], *Tibet Times,* December 30, 2022; Zhacuo, "Xizang Jiuzhi xian yi Zangren jin yin yu jingwai lianxi bian zao panchu 1 nian duo, huoshi hou reng shou jianshi" [In Chigdril county, Tibet, Tibetan man sentenced to more than 1 year because of contacting foreigners, after release still under surveillance], *Voice of Tibet,* January 2, 2023.
[103] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 1.
[104] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 10.
[105] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 11.
[106] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 9.
[107] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 11(4).

[108] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 11(6).
[109] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 11(6).
[110] *Xizang Zizhiqu Wangluo Xinxi Anquan Guanli Tiaoli* [Tibet Autonomous Region Regulations on the Administration of Network Information Security], passed December 9, 2022, issued January 20, 2023, effective February 1, 2023, art. 11(8).
[111] International Campaign for Tibet, "6 Tibetan Writers and Former Political Prisoners Sentenced to 4 to 14 Years," October 20, 2022. For more information, see the Commission's Political Prisoner Database records 2012-00092 on Drubpa Kyab (or Gangkye Drubpa Kyab), 2022-00163 on Tsering Drolma, 2013-00275 on Samdrub, 2014-00219 on Gangbu Yubum, 2022-00134 on Senam (or Seynam), and 2022-00164 on Pema Rinchen.
[112] Tibet Watch, "Six Tibetans Arrested Ahead of CCP's Centenary Celebration," April 19, 2021; Sangyal Kunchok, "Six Tibetan Writers, Activists Sentenced by China on 'State Security' Charges," *Radio Free Asia,* October 18, 2022; Yangchen Dolma, "China Jails Six Writers and Activists in Tibet from 4-14 Year Term over 'Inciting Separatism,'" *Tibet Post International,* October 18, 2022; Dangqiu, "Xizang Seda xian yu Luhuo xian 6 ming Zangren bei kong 'fenlie guojia' er zao pan 4 zhi 14 nian tuxing" [6 Tibetans in Seda and Luhuo counties detained for "separatism" and sentenced to 4 to 14 years in prison], *Voice of Tibet,* October 19, 2022; International Campaign for Tibet, "'6 Tibetan Writers and Former Political Prisoners Sentenced to 4 to 14 Years," October 20, 2022.
[113] Tibet Watch, "Six Tibetans Arrested Ahead of CCP's Centenary Celebration," April 19, 2021; Sangyal Kunchok, "Six Tibetan Writers, Activists Sentenced by China on 'State Security' Charges," *Radio Free Asia,* October 18, 2022; Yangchen Dolma, "China Jails Six Writers and Activists in Tibet from 4-14 Year Term over 'Inciting Separatism,'" *Tibet Post International,* October 18, 2022; Dangqiu, "Xizang Seda xian yu Luhuo xian 6 ming Zangren bei kong 'fenlie guojia' er zao pan 4 zhi 14 nian tuxing" [6 Tibetans in Seda and Luhuo counties detained for "separatism" and sentenced to 4 to 14 years in prison], *Voice of Tibet,* October 19, 2022; International Campaign for Tibet, "6 Tibetan Writers and Former Political Prisoners Sentenced to 4 to 14 Years," October 20, 2022.
[114] International Campaign for Tibet, "6 Tibetan Writers and Former Political Prisoners Sentenced to 4 to 14 Years," October 20, 2022.
[115] See, e.g., Foreign Correspondents' Club of China, "Zero COVID, Many Controls: Covering China in 2022," March 1, 2023, 10; Freedom House, "Freedom in the World 2023 Country Report: Tibet," accessed March 9, 2023.
[116] Foreign Correspondents' Club of China, "Zero COVID, Many Controls: Covering China in 2022," March 1, 2023, 10.
[117] Sangyal Kunchok, "Tibetans Skirt Tight Chinese Surveillance to Mark the Dalai Lama's 87th Birthday," *Radio Free Asia,* July 6, 2022.
[118] Sangyal Kunchok, "China Increases Surveillance, Security in Run-Up to Tibetan New Year Celebrations," *Radio Free Asia,* February 21, 2023; Lobsang Gelek, "Tibetans Tell Relatives Abroad Not to Call Them during Tibetan New Year," *Radio Free Asia,* February 23, 2023.
[119] Lobsang Gelek, "Tibetans Tell Relatives Abroad Not to Call Them During Tibetan New Year," *Radio Free Asia,* February 23, 2023.
[120] International Campaign for Tibet, "China Closes Sacred Temple around Tibetan National Uprising Day," March 7, 2023.
[121] Sangyal Kunchok, "On Lhasa Riot Anniversary, Chinese Authorities Search Tibetans, Keep Up Surveillance," *Radio Free Asia,* March 15, 2023.
[122] "rgya gar du 'bro rtsis yod pa'i nyes ming 'og bod mi gsum 'dzin bzung byas" [Three Tibetans detained on suspicion of preparing to go to India], *Tibet Times,* December 25, 2022; Zhacuo, "Xizang Rikaze shuming Zangren wugu zaodao Zhonggong jingfang jubu" [Several Tibetans in Shigatse, Tibet, arbitrarily detained by CCP police], *Voice of Tibet,* December 26, 2022.
[123] "rgya gar du 'bro rtsis yod pa'i nyes ming 'og bod mi gsum 'dzin bzung byas" [Three Tibetans detained on suspicion of preparing to go to India], *Tibet Times,* December 25, 2022; Zhacuo, "Xizang Rikaze shuming Zangren wugu zaodao Zhonggong jingfang jubu" [Several Tibetans in Shigatse, Tibet, arbitrarily detained by CCP police], *Voice of Tibet,* December 26, 2022. For more information, see the Commission's Political Prisoner Database records 2023-00030 on Dradul, 2023-00031 on Sonam Gyatso, and 2023-00032 on Gonkyab.

X. Xinjiang

XINJIANG

Findings

- Research published this past year indicated that Turkic and Muslim individuals formerly detained in mass internment camps continued to serve long prison terms. Official figures on prosecutions in the Xinjiang Uyghur Autonomous Region (XUAR) released in February 2022 and analyzed by Human Rights Watch showed that more than half a million people had been sentenced and imprisoned in the region since 2017, when authorities began carrying out the mass detention, in both prisons and mass internment camps, of Turkic Muslims.
- On August 31, 2022, minutes before the end of her tenure, then-U.N. High Commissioner for Human Rights Michelle Bachelet issued a long-awaited report on human rights in the XUAR, determining that Chinese authorities had committed a wide range of serious human rights violations as part of counterterrorism and counter-extremism strategies. In particular, the report found that the "arbitrary and discriminatory detention" of Uyghurs and other predominantly Muslim ethnic groups in the XUAR may constitute crimes against humanity.
- During this reporting year, authorities in the XUAR maintained a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals. Officials continued two distinct types of forced labor—one involving current and former mass internment camp detainees, and the other, referred to as "poverty alleviation through labor transfer" (*tuopin zhuanyi jiuye*), involving people who usually have not been detained, often referred to as "surplus labor."
- Zero-COVID measures and discriminatory policies toward Uyghurs reportedly caused or contributed to deaths and injuries during a fire that took place on November 24, 2022, at a high-rise apartment building in Urumqi municipality, XUAR. Immediately following the incident, authorities suppressed information about the fire, which they viewed as a national security issue, including by holding Uyghur survivors for questioning at a local hotel and confiscating their phones, and by detaining neighbors and acquaintances of victims who posted about the fire on social media.
- A report published in November 2022 by the Uyghur Human Rights Project provided evidence showing that Chinese Communist Party and government authorities had incentivized and likely forced marriages between Han Chinese and Uyghur and other Turkic individuals in the XUAR since at least 2014. The report outlined how authorities promoted the assimilation of Uyghurs and other ethnic minorities through interethnic marriages against a backdrop of government and Party birth restriction policies and policies to encourage Han Chinese inmigration and the movement of ethnic minority laborers out of the XUAR.

• Reports published this past year indicated that XUAR officials continued to arbitrarily detain and hold in detention ethnic Kazakhs, members of an ethnic group numbering around 1.5 million in the region. Kazakhstan-based relatives of many ethnic Kazakhs who have been detained in the XUAR since 2017 have campaigned publicly for their release.

Recommendations

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

○ Codify the definition of and punishment for crimes against humanity in U.S. law, and vote to create a binding international convention on crimes against humanity at the United Nations.

○ Create a formal coordination group on Uyghur refugee admissions with Canada and other like-minded countries.

○ Seek to ensure full implementation of the Uyghur Human Rights Policy Act, including obligations regarding the documentation of human rights abuses in the XUAR; the protection of American citizens and residents from harassment and coercion by the Chinese government; and the Chinese government's acquisition and development of mass surveillance technology.

○ Urge Chinese authorities to immediately cease all programs involving the forced labor of mass internment camp detainees and prisoners in the XUAR, along with programs involving the forced labor of other ethnic minority individuals within and outside the XUAR.

○ Raise concerns about China's treatment of Uyghurs and other Turkic and Muslim ethnic minorities during the Universal Periodic Review of China at the United Nations in early 2024.

○ Coordinate with allies and partners to advocate for the formation of a U.N. commission of inquiry to investigate forced labor abuses involving Turkic and Muslim XUAR residents.

○ Work with allies and partners to raise awareness about the transnational repression of Uyghurs and other Turkic Muslims from the XUAR, including through discussion of digital rights. Seek ways to ensure that Uyghurs and other Turkic Muslims in the United States and other countries can be free from surveillance, intimidation, and harassment by Chinese Communist Party and government actors.

○ Work with allies and partners to counter third countries' cooperation with China in conducting transnational repression, including the refoulement, surveillance, and harassment of Uyghurs and other Turkic and Muslim Chinese nationals. Impose sanctions, including freezing assets and restricting travel, on officials in China and third countries who participate in such transnational repression. Advocate for the appointment of a U.N. Special Rapporteur on transnational repression.

○ Prioritize the resettlement of Uyghurs, ethnic Kazakhs, and other Turkic and Muslim refugees in the United States, including by creating a Priority 2 designation for them in the United States' refugee admissions program. Urge other like-minded

countries to implement similar refugee resettlement programs for Turkic and Muslim refugees from China. Identify countries likely to deport Turkic and Muslim refugees from China and engage these countries through diplomatic channels to prevent such deportations.

○ Direct the U.S. State Department and U.S. Agency for International Development to create programming to provide care for former mass internment camp detainees, to include such psychosocial counseling and other assistance as may be necessary to address the trauma they have faced.

○ Work with officials at American universities to protect Uyghur and other Turkic and Muslim students who hold a Chinese passport and/or who speak out about human rights abuses in the XUAR, and ensure that they enjoy freedom of expression and are protected from harassment and threats to their safety.

○ In interactions with Chinese officials, call for the release of Uyghur political prisoners currently detained or imprisoned for the peaceful exercise of their human rights. The records of detained Uyghurs in the Commission's Political Prisoner Database provide a useful resource for such advocacy. Urge the Chinese government and its law enforcement and security forces to end the use of arbitrary detention, disappearance, beatings, torture, and intimidation to suppress and punish Uyghurs for the peaceful exercise of their rights.

Xi Jinping Visits the XUAR

In July 2022, Chinese leader Xi Jinping made a visit to the Xinjiang Uyghur Autonomous Region (XUAR) for the first time since April 2014, which international observers viewed as promoting a single Chinese identity for all ethnic groups in the region.[1] While visiting the city of Shihezi, Xi praised a division of the Xinjiang Production and Construction Corps (XPCC) for its contributions to "social stability."[2] Xi's visit to the region came several months before the 20th National Congress of the Chinese Communist Party in October 2022 and his bid for an unprecedented third term as General Secretary of the Chinese Communist Party.[3] The visit also followed the completion of a five-year plan for achieving "comprehensive stability" in the XUAR as outlined by then-Minister of Public Security Zhao Kezhi in a classified speech in June 2018.[4] In his speech, Zhao described Xi's knowledge, support, and direction of mass detentions and other repressive policies in the region.[5] The first year of the plan started around the time mass internment camps appeared in 2017, and ended in 2021, when the region was slated to reach "comprehensive stability."[6] By the time of Xi's July 2022 visit, many former mass internment camp detainees were either serving prison sentences or taking part in forced labor.[7]

CALLS FOR ACCOUNTABILITY FOR CHINA AT THE U.N. FOR RIGHTS ABUSES IN THE XUAR

U.N. Report Documents Rights Violations in the XUAR

On August 31, 2022, minutes before the end of her tenure, U.N. High Commissioner for Human Rights Michelle Bachelet issued a long-awaited report on human rights in the XUAR, determining that Chinese authorities had committed a wide range of serious human rights violations as part of counterterrorism and counter-extremism strategies.[8] In particular, the report found that the "arbitrary and discriminatory detention" of Uyghurs and other predominantly Muslim ethnic groups in the XUAR may constitute crimes against humanity.[9] The report of the Office of the U.N. High Commissioner for Human Rights also specifically documented rights abuses committed by Chinese authorities, including cultural and religious persecution, rape, torture, violations of reproductive rights, and forced labor.[10]

U.N. Report Documents Rights Violations in the XUAR—Continued

Many rights advocates and other observers praised the report, with some calling it a powerful vindication of efforts to document rights abuses,[11] while others criticized the report's delayed release and its failure to refer to the rights abuses in the region as genocide.[12] In early September 2022, a number of independent U.N. experts known as Special Procedures issued a statement calling the report "comprehensive and principled," and calling for the U.N. Human Rights Council to convene a special session on China, in addition to other actions.[13] PRC officials had long sought to block the publication of the report, and succeeded both in delaying its publication and reportedly in watering down text regarding the forced sterilization of women.[14] The report's issuance followed a May 2022 visit by Bachelet, in her capacity as U.N. High Commissioner for Human Rights, to the XUAR that was highly criticized by human rights groups[15] and scholars,[16] who said she failed to hold Chinese authorities accountable for their repression of Uyghurs and other ethnic minorities in the region.[17]

Additional examples of U.N. actions on human rights in the XUAR include the following:

- On October 6, 2022, the U.N. Human Rights Council voted against a proposal, led by the United States, to hold a debate on the human rights situation in the XUAR, with 19 Council Member States voting against the proposal, 17 supporting the proposal, and 11 abstaining from the vote.[18] Human rights advocates expressed concern over the Council's rejection of the proposal, with Amnesty International Secretary General Agnes Callamard noting that it "puts the U.N.'s main human rights body in the farcical position of ignoring the findings of the U.N.'s own human rights office." [19]
- On November 24, 2022, the U.N. Committee on the Elimination of Racial Discrimination, acting under its early warning and urgent action procedure,[20] issued a decision calling on China to release all individuals who had been arbitrarily detained and to take other actions to improve the human rights situation in the XUAR.[21]
- In March 2023, in its concluding observations on the third periodic report of China, the U.N. Committee on Economic, Social and Cultural Rights called for an end to rights violations against Turkic and Muslim peoples in the XUAR and expressed concern over worker rights, forced homestay programs, forced birth control measures, and the destruction of religious sites in the XUAR.[22]
- In May 2023, during its review of China, members of the U.N. Committee on the Elimination of Discrimination against Women (CEDAW Committee) questioned Chinese representatives about human rights violations against Uyghur and other Turkic Muslim women, including forced birth control measures, forced marriage, forced labor, detention, and sexual violence.[23] [For information on reports submitted to the Committee in advance of its review of China, see Persecution of Ethnic Minority Women in the XUAR in this chapter.]

U.S. Legislation Targets Organ Harvesting, Seeks Accountability for Genocide

Legislation introduced in the U.S. Congress during the Commission's 2023 reporting year targeted human rights abuses affecting Uyghurs and others in China. In March 2023, the House of Representatives passed H.R. 1154, the Stop Forced Organ Harvesting Act of 2023, by a vote of 413 to 2.[24] The bill aims to combat forced organ removal perpetrated against Uyghurs and other Turkic Muslims in the XUAR, as well as other political prisoners, and authorizes sanctions against individuals complicit in organ harvesting.[25] In May 2023, S. 1770, the Uyghur Genocide Accountability and Sanctions Act of 2023, was introduced in the U.S. Senate.[26] The bill calls for the expansion of sanctions on Chinese officials and entities that are complicit in the genocide of Uyghurs, among other provisions.[27]

Turkic Muslims Sentenced to Lengthy Prison Terms

Research published this past year indicated that Turkic and Muslim individuals formerly detained in mass internment camps continued to serve long prison terms.[28] Official figures on prosecutions in the XUAR released in February 2022 and analyzed by Human Rights Watch showed that more than half a million people had been sentenced and imprisoned in the region since 2017, when authorities began carrying out the mass detention, in both prisons and mass internment camps, of Turkic Muslims.[29] As reported by Human Rights Watch in September 2022, data showing a sharp increase in sentences of more than five years in 2017 indicates that the "the vast majority of the 540,826 people prosecuted most likely remain in prison."[30] According to a researcher at Human Rights Watch, Chinese officials may have intended to deflect attention from mass detention in the XUAR by using formal prosecutions, but many of the convictions imposed "just add to the crimes against humanity of wrongful imprisonment against Uyghurs and other Turkic people."[31] Authorities did not hold trials for many of those sentenced to prison.[32] A report published by Sky News in May 2023 found that authorities had decommissioned some mass internment camps, converting some facilities into schools and abandoning others, and had expanded and enhanced security features in prisons.[33] Scholar Adrian Zenz testified at a March 2023 congressional hearing that, beginning in 2019, authorities significantly expanded high-security detention facilities in the XUAR and began shifting detainees from mass internment camps to both prisons and forced labor programs.[34] According to Zenz, current XUAR Communist Party Secretary Ma Xingrui appears to have continued the institutionalization of both mass detention and forced labor in the region that was begun by his predecessor, Chen Quanguo.[35]

Cases of Uyghurs sentenced to long-term imprisonment that were reported this past year include the following:

- **Setiwaldi Kerim.**[36] In March 2023, Radio Free Asia (RFA) reported that in 2017, authorities in Atush (Atushi) city, Kizilsu (Kezilesu) Kyrgyz Autonomous Prefecture, detained Uyghur middle school teacher and writer Setiwaldi Kerim, later sentencing him to 19 years in prison for "promoting sepa-

ratism" in his writings and for his role in creating textbooks for middle and high school students.[37] Setiwaldi Kerim, who is in his early fifties, was one of a number of people authorities detained for their work on the textbooks, including Uyghur writer and editor **Yalqun Rozi**[38] and former XUAR Education Bureau director **Sattar Sawut.**[39]

- **Ablajan Ayup.**[40] In December 2022, the Rights Defense Network (RDN) reported that in December 2018, authorities secretly sentenced Uyghur pop singer Ablajan Ayup to 11 years in prison on unknown charges.[41] According to RDN, he was sentenced in connection with his promotion of Uyghur culture and for comments he made during a March 2017 interview with the BBC about using music to make cross-cultural connections that authorities deemed politically sensitive.[42] In March 2018, prior to his imprisonment, authorities reportedly detained Ablajan Ayup in a mass internment camp in the XUAR.[43]
- **Abduqadir Jalalidin.**[44] In January 2023, RFA reported that authorities had tried renowned Xinjiang Normal University professor and poet Abduqadir Jalalidin in the second half of 2019 and later sentenced him to life imprisonment on unknown charges.[45] In April 2018, RFA reported that authorities detained him in January 2018 and initially held him in a mass internment camp.[46]
- **Imanem Nesrulla and Ayhan Memet.**[47] In November 2022, RFA reported that in December 2018, an unnamed court in the XUAR sentenced 60-year-old Uyghur veterinary worker Imanem Nesrulla to 15 years in prison on charges related to terrorism and "inciting ethnic hatred."[48] A resident of Qumul (Hami) municipality, XUAR, she had visited her son, Munirdin Jadikar, in the Netherlands in 2014 in order to attend his wedding.[49] In 2018, Munirdin Jadikar's sister-in-law, Ayhan Memet, informed him via the social media platform WeChat that authorities had detained his mother in a mass internment camp.[50] In 2019, Munirdin Jadikar learned from an unnamed source that authorities also had detained Ayhan Memet for informing him of his mother's detention.[51] In 2021, Dutch authorities told Munirdin Jadikar that Chinese embassy officials said authorities had sentenced both his mother and sister-in-law to 15 years in prison.[52] According to the Chinese embassy officials, Ayhan Memet was sentenced for "illegally providing national intelligence to foreign forces."[53] A police officer interviewed by RFA reportedly said that Imanem Nesrulla was thought to have been detained for having traveled abroad.[54]

As in the past reporting year,[55] reports emerged documenting the deaths of individuals in mass internment camps and prisons or shortly after they were held in camps or prisons. Examples include the following:

- **Omer Huseyin,** a 55-year-old former hatip (Muslim preacher), and his brother, **Semet Huseyin,** who was around 60 years old.[56] Authorities detained the men and their two brothers, all of whom were residents of Korla (Ku'erle) city, Bayangol (Bayinguoleng) Mongol Autonomous Prefecture, in

September 2017, in connection with their religious activities, later sentencing Omer Huseyin to 5 years and Semet Huseyin to 12 years in prison.[57] Omer Huseyin, whom authorities detained for making the Hajj pilgrimage to Mecca in 2015, reportedly died of liver cancer while in prison in February 2022.[58] Semet Huseyin reportedly died of stomach cancer in a prison hospital in 2021.[59]

- **Abdulla Sawut,** a 72-year-old Uyghur author who died in December 2022 after being released from a detention facility in ill health two months earlier.[60] Authorities in Kizilsu (Kezilesu) Kyrgyz Autonomous Prefecture detained Abdulla Sawut in 2017, accusing him of involvement in "separatism."[61] Authorities released him to his family's custody around October 2022 when his health deteriorated due to an unspecified illness, and he died because of his inability to access medical treatment or adequate food due to a COVID-19-related lockdown in his hometown.[62]
- **Ilham Rozi,** a 57-year-old Uyghur former propaganda official in Aksu city, Aksu prefecture, who died of an unspecified illness in March 2023, five days after authorities released him from prison.[63] Authorities sentenced Ilham Rozi to 15 years in prison on charges related to "separatism" after detaining him in 2019.[64] Authorities detained Ilham Rozi, who formerly served as deputy head of the Aksu prefecture propaganda department, for having invited Uyghur writer and editor Yalqun Rozi and Uyghur professor and poet Abduqadir Jalalidin to give lectures at schools in 2012 and 2013.[65]

Forced Labor Involving Turkic and Muslim XUAR Residents

During this reporting year, authorities in the XUAR maintained a system of forced labor that involved former mass internment camp detainees and other Turkic and Muslim individuals.[66] Officials oversaw two distinct types of forced labor—one involving current and former mass internment camp detainees, and the other, entitled "poverty alleviation through labor transfer" (*tuopin zhuanyi jiuye*), involving people who usually have not been detained, often referred to as "surplus labor."[67] A report published by Adrian Zenz documented the use of both types of forced labor in cotton production in the XUAR and noted that "the primary driver of labor coercion in cotton production is labor transfer policies and not internment camps."[68] A report issued by then-U.N. High Commissioner for Human Rights Michelle Bachelet in August 2022 also found evidence of forced labor in "labor transfer" programs and in programs using the labor of mass internment camp detainees.[69]

In July 2022, U.N. Special Rapporteur on contemporary forms of slavery Tomoya Obokata issued a report which found that in some instances, forced labor involving Uyghurs, Kazakhs, and other ethnic minorities in the XUAR "may amount to enslavement as a crime against humanity."[70] Obokata cited "excessive surveillance, abusive living and working conditions, restriction of movement through internment, threats, physical and/or sexual violence and other inhuman or degrading treatment" as indicators of the act of enslavement.[71]

In its annual report released in February 2023, the International Labour Organization's (ILO) Committee of Experts expressed concern about the forced labor of Uyghurs and other ethnic minorities in the XUAR.[72] The Committee stressed the need for the Chinese government to enact legislation that explicitly defines and prohibits direct and indirect discrimination as set out in the Discrimination (Employment and Occupation) Convention.[73] The Committee further urged the Chinese government to clarify how it ensured compliance with the equal rights provisions contained in its Labour Law of 1994 and the revised Vocational Education Law (2022), and "to confirm that the Employment Promotion Law of 2007 prohibits discrimination based on colour, national extraction, social origin and political opinion."[74]

UFLPA ENFORCEMENT AND FORCED LABOR PRODUCTS IN THE UNITED STATES

In spite of the enforcement, beginning in June 2022,[75] of the Uyghur Forced Labor Prevention Act (UFLPA), which bans importation to the U.S. of goods made in the XUAR,[76] some products made in the XUAR continued to be imported into the U.S. In August 2022, the Uyghur Human Rights Project published a report documenting the presence of more than 70 brands of red dates grown or processed in the XUAR in stores in and around Washington, D.C.[77] These included at least three brands of dates likely produced or processed by the Xinjiang Production and Construction Corps.[78] According to trade analysts at U.S. Customs and Border Protection (CBP), one of the challenges facing CBP officials is XUAR producers' use of entities outside of the XUAR to ship products outside of China, in order to conceal the origin of their products.[79]

A report published by Sheffield Hallam University and non-profit research organization NomoGaia in December 2022 indicated that more than 100 international automobile and automotive parts manufacturers were at risk of sourcing from companies in the XUAR that employ forced labor.[80] The report's authors found that links between Western automotive companies and Uyghur forced labor were present and expanding in all aspects of manufacturing, ranging from "hood decals and car frames to engine casings, interiors and electronics."[81] Automobile parts imported into the United States by companies at risk of sourcing forced labor products in the XUAR include aluminum alloy wheels produced by Xinfa Wheels; lithium-ion batteries produced by CATL (also known as Contemporary Amperex Technology or Ningde Times New Energy Technology); and tires from a subsidiary of Double Coin (Xinjiang) Kunlun Engineering Tire Co., Ltd., among others.[82] [For more information on forced labor involving Turkic and Muslim XUAR residents, see Chapter 14—Business and Human Rights and Chapter 10—Human Trafficking.]

Repressive Surveillance Technology and Security Measures

Reports published this past year indicated that XUAR authorities have used both technological and human surveillance to comprehensively monitor and control Turkic and Muslim groups in the

XUAR.[83] The report issued in August 2022 by the Office of the U.N. High Commissioner for Human Rights on human rights conditions in the XUAR documented allegations of the Chinese government's use of "extensive forms of intensive surveillance and control" directed at Uyghur and other predominantly Muslim ethnic groups.[84] In March 2023, Fionnuala Ní Aoláin, U.N. Special Rapporteur on the promotion and protection of human rights while countering terrorism, cited concerns over XUAR authorities' collection of residents' biometric data, as well as the Xinjiang Public Security Bureau's use of drones.[85] Scholars Gerald Roche and James Leibold described how authorities in the XUAR surveilled and identified Uyghurs and others considered "a danger to the stability and prosperity of the community," marking them for further monitoring or detention in camps or prisons.[86]

Researchers, journalists, and others documented XUAR authorities' use of surveillance cameras, including those produced by Chinese surveillance technology company Hikvision, to monitor and restrict Uyghurs and others in the XUAR.[87] In April 2023, Axios reported that, based on a recording of a meeting held by Hikvision, the company was aware that some of its contracts in the XUAR discussed targeting the Uyghur population.[88] Authorities have used footage from surveillance cameras produced by Hikvision to track and detain Uyghurs and others in the XUAR.[89] In March 2023, three former mass internment camp detainees spoke at a U.N. panel about how Hikvision cameras monitored detainees' every movement, marking them for punishment if they violated camp rules.[90]

In May 2023, Human Rights Watch reported that police in the XUAR had abused surveillance technology in the implementation of a phone search program used to flag Turkic Muslims for interrogation.[91] Human Rights Watch's investigation found that more than half of the files flagged on residents' mobile phones during the searches, which took place in 2017 and 2018, appeared to be common Islamic religious materials, such as readings of the Quran.[92]

COVID-19-Related Restrictions Lead to Deaths, Medical Issues in the XUAR

During this reporting year, authorities in the XUAR imposed lockdowns and other restrictions on the freedom of movement and travel in response to the coronavirus disease 2019 (COVID-19) pandemic, restrictions that reportedly resulted in deaths, starvation, and lack of access to medicine and medical care. Officials implemented some of the longest lockdowns in the country in the region.[93] In October 2022, authorities suspended train and bus service in and out of the XUAR and reduced flight capacity to and from the region, in order to prevent the spread of COVID-19 from the XUAR to other parts of China.[94] In September 2022, Radio Free Asia reported that at least 13 people in a village in Hotan prefecture, XUAR, had died as a result of poisoning from disinfectant sprayed in and around their homes as part of official measures to combat COVID-19.[95] Due to a strict anti-COVID-19 lockdown that began in early August, some residents of Ghulja (Yining) city, Ili (Yili) Kazakh Autonomous Prefecture, XUAR, reportedly died due to starvation, a lack of medical care, or a lack of medicine.[96] Dur-

ing the lockdown, authorities locked some residents of the Ghulja area inside their homes.[97] Unverified videos and other postings regarding Uyghurs in Ghulja experiencing health problems or medical issues caused or exacerbated by effects of the lockdown were widely circulated on Chinese social media.[98] An official directive that was leaked and posted online called on government or Party personnel to flood microblog Weibo with positive posts about Ili, since this location name was trending due to messages posted by Uyghurs begging for assistance.[99] In September, Ili officials held a press conference to apologize for residents' lack of access to medical services during the lockdown.[100]

Harsh Policies Lead to Multiple Deaths and Injuries in Urumqi Fire

Zero-COVID measures and discriminatory policies toward Uyghurs reportedly caused or contributed to deaths and injuries during a fire that took place on November 24, 2022, at a high-rise apartment building in Urumqi municipality, XUAR. According to officials, 10 people died in the fire and 9 were injured, but reports from international media and civil society cast doubt on the official death toll, saying local sources indicated that up to 40 or more residents may have died in the fire.[101] Local officials told RFA that all of those who died were Uyghurs.[102] International media and civil society also reported that, contrary to official reports, the apartment building had "recently been placed under a stricter level of lockdown,"[103] and that residents' doors had been locked shut from the outside, preventing their escape.[104] In addition, according to international reports, firefighters may have been hampered in their efforts by both zero-COVID restrictions and anti-terrorism controls targeting local Uyghurs.[105]

Among the victims of the fire identified in international media reports were Qemernisa Abdurahman and four of her children, Shehide, Imran, Abdurahman, and Nehdiye, all five of whom reportedly died of smoke inhalation.[106] Qemernisa Abdurahman's husband **Memet'eli Metniyaz** was reportedly serving a lengthy prison sentence at the time of the fire, and her oldest son, **Ilyas Memet'eli,** was detained in either a prison or a mass internment camp.[107] Many other men who had formerly lived at the apartment building were reportedly also detained in prisons or camps.[108]

Immediately following the incident, authorities suppressed information about the fire, which they viewed as a national security issue,[109] by holding Uyghur survivors for questioning at a local hotel and confiscating their phones;[110] detaining neighbors and acquaintances of victims who posted about the fire on social media;[111] and detaining a 24-year-old woman living in Urumqi for 10 days for "spreading rumors" online after she posted about the fire's death toll on Weibo.[112]

Harsh Policies Lead to Multiple Deaths and Injuries in Urumqi Fire—Continued

On November 25, sparked by news of the fire, residents of Urumqi began protesting against zero-COVID restrictions, and within days, protests spread to dozens of cities across China.[113] Many Han Chinese residents within and outside of the XUAR participated in protests, but Uyghurs were reportedly too frightened to take part, due to their fear of harsh treatment from authorities.[114] In December 2022, authorities in Atush (Atushi) city, Kizilsu (Kezilesu) Kyrgyz Autonomous Prefecture, XUAR, detained Uyghur university student **Kamile Wayit,** in connection with a social media post she made regarding the protests and with communications she had with her brother in the United States.[115] In June 2023, international media reported that according to the Ministry of Foreign Affairs, authorities had sentenced her to prison for an unspecified length of time for the crime of "advocating extremism."[116] Authorities detained dozens of people throughout China in relation to the protests, but reports indicated that at least some of those detained had been released by April, including a number of individuals released on bail.[117] [For more information on the protests that took place after the November 24 fire in Urumqi, see Chapter 1—Freedom of Expression and Chapter 12—Public Health.]

Persecution of Ethnic Minority Women in the XUAR

FORCED INTERETHNIC MARRIAGES

A report published in November 2022 by the Uyghur Human Rights Project provided evidence that Chinese Communist Party and government authorities had incentivized and likely forced marriages between Han Chinese and Uyghur and other Turkic individuals in the XUAR since at least 2014.[118] The report noted that the rate of Uyghur-Han intermarriage had been increasing since 2018 due to state promotion, following a period between 1990 and 2010 in which the rate of Uyghur-Han marriages had declined significantly due to interethnic tensions.[119] The report showed that forced marriages were part of a range of state-sponsored gender-based violence targeting Uyghur women, alongside "sexual assault, forced sterilization, forced use of birth control devices, [and] forced abortions."[120] The report outlined how authorities promoted the assimilation of Uyghurs and other ethnic minorities through interethnic marriages against a backdrop of government and Party birth restriction policies and policies to encourage Han Chinese in-migration and the movement of ethnic minority laborers out of the XUAR.[121] Forced marriage violates the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).[122]

POPULATION CONTROL MEASURES TARGETING ETHNIC MINORITY WOMEN

Reports continued to emerge this past year of XUAR authorities' implementation of population control measures targeting Turkic

Muslim women in the region. The report issued by the Office of the U.N. High Commissioner for Human Rights in August 2022 regarding the human rights situation in the XUAR raised concerns over a sharp decline in birth rates beginning in 2017 in primarily Uyghur-majority areas, which corresponded with an "unusually sharp" rise in sterilizations and IUD placements in the XUAR.[123] The report cited allegations of birth control forced upon Uyghur and Kazakh women, as well as interviewees' accounts of the risk of detention as punishment for noncompliance.[124] However, this section of the report was reportedly weakened because of pressure from PRC officials, who sought to minimize discussion of forced sterilization since it is one of the acts constituting genocide.[125]

RIGHTS ORGANIZATIONS CRITICIZE CHINA IN ADVANCE OF CEDAW REVIEW

In April 2023, Uyghur advocacy organizations submitted reports to the U.N. Committee on the Elimination of Discrimination against Women (CEDAW Committee), in advance of the Committee's review of China, that documented China's violations of the Convention on the Elimination of All Forms of Discrimination Against Women.[126] For example, the Uyghur Human Rights Project (UHRP) criticized China's response to the List of Issues transmitted by the Committee in 2021, including China's failure to provide disaggregated data on declining Uyghur birth rates in response to concerns about the forced abortion and forced sterilization of Uyghur women. UHRP additionally challenged China's insistence that it protects women's right to marry freely, despite evidence indicating that the Chinese government has forced Uyghur women into interethnic marriages.[127]

Detention of Ethnic Kazakhs

Reports published this past year indicated that XUAR officials continued to arbitrarily detain and hold in detention ethnic Kazakhs, members of an ethnic group numbering around 1.5 million in the region.[128] Kazakhstan-based relatives of many ethnic Kazakhs who have been detained in the XUAR since 2017 have campaigned publicly for their release.[129] According to a Kazakh activist and an ethnic Kazakh formerly detained in the XUAR who were interviewed by Radio Free Europe / Radio Liberty, authorities required people seeking permission to leave the XUAR to go abroad to first register relatives as "hostages," in an effort to discourage them from talking about their detainment.[130]

Detention of Former Mass Internment Camp Detainee Zhanargul Zhumatai

The case of ethnic Kazakh Zhanargul Zhumatai exemplifies the risks facing former detainees who speak publicly about their past detention, and highlights the potential for official retaliation against their relatives.[131] On February 10, 2023, authorities detained 47-year-old Zhanargul Zhumatai at a family member's home in the XUAR.[132] A musician and former journalist who had lived in Kazakhstan and held a Kazakh residence permit, she had also spoken out about the rights of ethnic Kazakh herders in the XUAR.[133] In 2017, on a visit back to the XUAR from Kazakhstan, Zhanargul Zhumatai was detained and held in a mass internment camp for two years, reportedly for having Facebook and Instagram apps (deemed as "non-mainstream" software) on her phone and for having traveled to Kazakhstan, considered by PRC officials to be a "focus country."[134] While detained in the camp, she developed an ulcer that was treated incorrectly, and lost more than 66 pounds, and she also suffered from heart palpitations as a result of her camp detention.[135] Following her release from the camp, she spoke to international media and other international observers about her detention and subsequent surveillance and police harassment.[136] She said that after she spoke out about her experiences, security personnel pressured her to check into a psychiatric hospital in order to avoid being detained.[137] In January 2023, she received a visa to return to Kazakhstan, and submitted an application for a new passport to Chinese authorities.[138]

On February 13, authorities detained Zhanargul Zhumatai's mother, sister, and two brothers, which a police officer said was due to their failure to stop Zhanargul Zhumatai from speaking with foreign journalists.[139] It was unclear where authorities held Zhanargul Zhumatai and her family members, and whether or not authorities charged them with any crimes.[140] As of August 15, 2023, the Commission had not observed reports indicating that authorities had released Zhanargul Zhumatai or any members of her family from detention.

Additional representative cases of ethnic Kazakhs formerly detained in the XUAR that were reported on this past year include those of writer and businesswoman **Zhazira Asenqyzy,** whose fractured skull remained untreated during her time in a mass internment camp;[141] **Sarsenbek Akbar,** a veterinarian, trader, and former village head who was detained in a mass internment camp for two to three years, possibly for having the messaging app WhatsApp installed on his cell phone;[142] and **Baqytkhan Myrzan,** a 60-year-old imam who died around March 2023 in a prison in Urumqi municipality, where he was serving a 14-year sentence for performing an Islamic ritual at a religious function.[143]

Freedom of Religion

XUAR government officials curtailed Muslim residents' freedom to practice their religious beliefs, including by implementing restrictions on prayer and reciting the Quran at home[144] and by holding Turkic Muslims in detention for practicing Islam.[145] As in previous reporting years,[146] XUAR officials imposed controls on

Muslims' observance of Ramadan.[147] In Turpan municipality, police reportedly assigned Uyghur villagers and members of neighborhood committees to monitor local residents, in order to ensure that no one was fasting.[148] According to a rights advocate who documents the rights of ethnic Kazakhs in the XUAR, authorities in Ili (Yili) Kazakh Autonomous Prefecture carried out "mass detentions" of religious figures in the lead-up to Ramadan, focusing on individuals who had previously been detained.[149]

Reports published this past year showed that authorities have sentenced Turkic Muslims in the XUAR to lengthy prison terms.[150] In one example, RFA reported that in 2018, an unidentified court in Keriye (Yutian) county, Hotan (Hetian) prefecture, sentenced Uyghur imam **Memet Musa** and his son **Osman Memet** to 10 and 6 years in prison, respectively, for their religious activities.[151] Authorities in Keriye detained Memet Musa in 2017 for "illegally" providing religious instruction to his son when he was a child;[152] authorities detained Osman Memet in the same year for reciting the Quran at several local funerals.[153] [For more information on official restrictions on Muslims' right to practice their faith throughout China, see Chapter 3—Freedom of Religion.]

Transnational Repression of Uyghurs and Other Turkic Muslims

Reports published this past year documented the PRC's continued transnational repression of Uyghurs and other Turkic Muslims through harassment and intimidation, in order to prevent them from speaking out about human rights conditions in the XUAR.[154] A report authored by researchers David Tobin and Nyrola Elimä and published by Sheffield Hallam University in April 2023 documented how PRC authorities have shifted their methods of transnational repression in order to evade international scrutiny.[155] Citing official documents, individual case studies, and other materials, the authors showed how PRC authorities surveilled Uyghurs in the United Kingdom and Turkey, using threats to their family members in the XUAR to compel them to spy on other Uyghurs or refrain from engaging in human rights advocacy.[156] The report also documented the risks of long-term detention and deportation facing Uyghurs who flee to Thailand from China.[157]

Notes to Chapter 18—Xinjiang

[1] James T. Areddy and Chun Han Wong, "China's Xi Made Rare Visit to Xinjiang," *Wall Street Journal,* July 15, 2022; James Millward, "(Identity) Politics in Command: Xi Jinping's July Visit to Xinjiang," *China Story,* August 16, 2022; Alim Seytoff, "Xi Jinping's Xinjiang Visit May Signal New Emphasis on the Assimilation of Uyghurs," *Radio Free Asia,* July 19, 2022. See also "Xi Jinping zai Xinjiang kaocha shi qiangdiao wanzheng zhunque guanche xin shidai Dang de zhi Jiang fanglüe jianshe tuanjie hexie fanrong fuyu wenming jinbu anju leye shengtai lianghao de meihao Xinjiang" [During his visit to Xinjiang, Xi Jinping emphasized that it is necessary to fully and accurately implement the Party's Xinjiang governance strategy in the new era, and to build a beautiful Xinjiang that is united, harmonious, prosperous, well-off, civilized, progressive, living and working in peace, and has a good environment], *Xinhua*, July 15, 2022.

[2] "Xi Jinping zai Xinjiang kaocha shi qiangdiao wanzheng zhunque guanche xin shidai Dang de zhi Jiang fanglüe jianshe tuanjie hexie fanrong fuyu wenming jinbu anju leye shengtai lianghao de meihao Xinjiang" [During his visit to Xinjiang, Xi Jinping emphasized that it is necessary to fully and accurately implement the Party's Xinjiang governance strategy in the new era, and to build a beautiful Xinjiang that is united, harmonious, prosperous, well-off, civilized, progressive, living and working in peace, and has a good environment], Xinhua, July 15, 2022; James Millward, "(Identity) Politics in Command: Xi Jinping's July Visit to Xinjiang," *China Story,* August 16, 2022; James T. Areddy and Chun Han Wong, "China's Xi Made Rare Visit to Xinjiang," *Wall Street Journal,* July 15, 2022.

[3] James T. Areddy and Chun Han Wong, "China's Xi Made Rare Visit to Xinjiang," *Wall Street Journal,* July 15, 2022; Chris Buckley et al., "China's Communist Party Congress: For His 3rd Term, Xi Jinping Surrounds Himself with Loyalists," *New York Times,* October 30, 2022; Vladimir Isachenkov and Kim Tong-hyung, "Xi Awarded 3rd Term as China's President, Extending Rule," *Associated Press,* March 10, 2023.

[4] Zhao Kezhi, "Zai tingqu Xinjiang Zizhiqu gong'an he wending gongzuo huibao shi de jianghua" [Speech given while listening to the report on public security and stability work on the Xinjiang Autonomous Region], June 5, 2018, 2, 6, translated in Victims of Communism Memorial Foundation, "Xinjiang Police Files"; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022.

[5] Zhao Kezhi, "Zai tingqu Xinjiang Zizhiqu gong'an he wending gongzuo huibao shi de jianghua" [Speech given while listening to the report on public security and stability work on the Xinjiang Autonomous Region], June 5, 2018, 1, 7, 9, translated in Victims of Communism Memorial Foundation, "Xinjiang Police Files"; Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022.

[6] Adrian Zenz, "Public Security Minister's Speech Describes Xi Jinping's Direction of Mass Detentions in Xinjiang," *ChinaFile,* Asia Society, May 24, 2022; Zhao Kezhi, "Zai tingqu Xinjiang Zizhiqu gong'an he wending gongzuo huibao shi de jianghua" [Speech given while listening to the report on public security and stability work on the Xinjiang Autonomous Region], June 5, 2018, 6, translated in Victims of Communism Memorial Foundation "Xinjiang Police Files."

[7] James Millward, "China's New Anti-Uyghur Campaign," *Foreign Affairs,* January 23, 2023. See also Human Rights Watch, "China: Xinjiang Official Figures Reveal Higher Prisoner Count," September 14, 2022; *The Chinese Communist Party's Ongoing Uyghur Genocide, Hearing of the Select Committee on the CCP, U.S. House of Representatives,* 118th Cong. (2023) (testimony of Adrian Zenz, Senior Fellow and Director of China Studies, Victims of Communism Memorial Foundation), 14, 53.

[8] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, para. 143; Vicky Xiuzhong Xu, Daria Impiombato, and Nathan Ruser, "UN Uyghur Report Leaves No Room for Denial and No Excuse for Inaction," *Strategist,* Australian Strategic Policy Institute, September 3, 2022.

[9] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, para. 148.

[10] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022. For documentation of cultural and religious persecution, see paras. 80–93; for rape, see paras. 73 and 78; for torture, see paras. 1, 6, 70, 74–78, and 145; for violations of reproductive rights, see paras. 79, 104–14, and 146; and for forced labor, see paras. 1 and 115–28.

[11] Austin Ramzy, "For Uyghurs, U.N. Report on China's Abuses Is Long-Awaited Vindication," *New York Times,* September 1, 2022; "Opinion: The U.N. Report on China's Atrocities against the Uyghurs Is Damning," editorial, Washington Post, September 2, 2022; Reid Standish, "After Years of Chinese Pressure, Uyghur Activists Welcome UN Report on Xinjiang Abuses," *Radio Free Europe/Radio Liberty,* September 1, 2022.

[12] Austin Ramzy, "For Uyghurs, U.N. Report on China's Abuses Is Long-Awaited Vindication," *New York Times,* September 1, 2022; Stuart Lau, "China Direct: Damning UN Report—Crimes against Humanity—No Fan of Gorbachev," *Politico,* September 1, 2022; Jo Smith Finley, "Comment: UN Report on Abuse of Uyghurs Misses a Vital Word: Genocide," Newcastle University Press Office, September 7, 2022.

[13] Office of the U.N. High Commissioner for Human Rights, "Xinjiang Report: China Must Address Grave Human Rights Violations and the World Must Not Turn a Blind Eye, Say UN Experts," September 7, 2022.

[14] Emma Farge, "Exclusive: China Seeks to Stop UN Rights Chief from Releasing Xinjiang Report—Document," *Reuters,* July 20, 2022; Jacob Fromer, Finbarr Bermingham, and Robert

Delaney, "China Lobbying at UN to Block Xinjiang Report Publication, Document Shows," *South China Morning Post,* July 21, 2022; Austin Ramzy, "For Uyghurs, U.N. Report on China's Abuses Is Long-Awaited Vindication," *New York Times,* September 1, 2022; William Nee, "China's Heavy-Handed Push to Prevent a UN Report on Xinjiang," *Diplomat,* August 1, 2022; Stuart Lau, "China Direct: Damning UN Report—Crimes against Humanity—No Fan of Gorbachev," *Politico,* September 1, 2022; Mercedes Page, "A Tragedy in Xinjiang, a Tragedy for the UN," *Interpreter,* Lowy Institute, September 2, 2022.

[15] "Dozens of NGOs Call on UN Rights Chief to Resign after China Visit," *Agence France-Presse,* reprinted in *News24,* June 8, 2022.

[16] Rachel Cheung, "UN Human Rights Chief Is Silent on China's Abuses in Xinjiang, and Scholars Are Fuming," *Vice,* June 8, 2022.

[17] See also Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 306.

[18] Office of the U.N. High Commissioner for Human Rights, "Human Rights Council Adopts 21 Texts and Rejects One Draft Decision, Extends Mandates on Older Persons, Right to Development, Arbitrary Detention, Mercenaries, Slavery, Indigenous Peoples, Safe Drinking Water and Sanitation," October 6, 2022; Patrick Wintour, "UN Vote to Ignore Human Rights Abuses in China Leaves West in Dead End," *Guardian,* October 6, 2022.

[19] Amnesty International, "China: Xinjiang Vote Failure Betrays Core Mission of UN Human Rights Council," October 6, 2022; Patrick Wintour, "UN Vote to Ignore Human Rights Abuses in China Leaves West in Dead End," *Guardian,* October 6, 2022.

[20] Office of the U.N. High Commissioner for Human Rights, "About Early Warning and Urgent Procedures," accessed March 10, 2023.

[21] U.N. Committee on the Elimination of Racial Discrimination, "China: UN Committee on the Elimination of Racial Discrimination Calls for Probe into Xinjiang Rights Violations," November 24, 2022; U.N. Committee on the Elimination of Racial Discrimination, "Prevention of Racial Discrimination, Including Early Warning and Urgent Action Procedure, Decision 1 (108) (Advance Unedited Version)," November 23, 2022. See also Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by U.N. General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, accessed June 20, 2023. China signed CEDAW on July 17, 1980, and ratified it on November 4, 1980, thereby committing to undertake the legal rights and obligations contained in these articles.

[22] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 35–36, 52–53, 68–71, 90–91.

[23] Uyghur Human Rights Project, "UN Committee Grills China on Widespread Gender-Based Violence Targeting Uyghur Women," May 12, 2023.

[24] Stop Forced Organ Harvesting Act of 2023, H.R. 1154, 118th Cong. (2023); "H.R.1154–118th Congress (2023–2024): Stop Forced Organ Harvesting Act of 2023," Congress.gov, accessed August 18, 2023. The Senate version of the bill, S. 761, was introduced on March 9, 2023. Stop Forced Organ Harvesting Act of 2023, S. 761, 118th Cong. (2023), *Congress.gov,* accessed August 18, 2023.

[25] Stop Forced Organ Harvesting Act of 2023, H.R. 1154, 118th Cong. (2023), sec. 6; Michael Finan, "Smith's Legislation to Combat Chinese Communist Party's Ghoulish Industry of Stealing People's Organs Clears Major Hurdle on Its Way to House Floor," Office of Congressman Chris Smith, February 28, 2023; Victims of Communism Memorial Foundation, "VOC Applauds Passage of Organ Trafficking Bill in House, Urges Senate Approval," March 29, 2023; Ruth Ingram, "Organ Harvesting from Uyghurs: Evidence Grows, the U.S. Reacts," *Bitter Winter,* June 19, 2023. See also Matthew P. Robertson and Jacob Lavee, "Execution by Organ Procurement: Breaching the Dead Donor Rule in China," *American Journal of Transplantation,* April 4, 2022, 2.

[26] Uyghur Genocide Accountability and Sanctions Act of 2023, S. 1770, 118th Cong. (2023).

[27] Uyghur Genocide Accountability and Sanctions Act of 2023, S. 1770, 118th Cong. (2023), sec. 2; "Rubio, Merkley Introduce Landmark Legislation to Hold the CCP Accountable for Crimes in Xinjiang," Office of Senator Marco Rubio, May 31, 2023; Marti Flacks, "What's Next for the Uyghur Forced Labor Prevention Act?," Center for Strategic and International Studies, June 21, 2023.

[28] For information from the 2022 reporting year on the formal imprisonment of Turkic Muslims previously held in mass internment camps, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 303–304.

[29] Human Rights Watch, "China: Xinjiang Official Figures Reveal Higher Prisoner Count," September 14, 2022; Emily Feng and John Ruwitch, "The United Nations Says Crimes against Humanity May Have Happened in China's Xinjiang," *NPR,* August 31, 2022.

[30] Human Rights Watch, "China: Xinjiang Official Figures Reveal Higher Prisoner Count," September 14, 2022. As noted by Human Rights Watch, the Xinjiang High People's Court has not released data on official sentencing figures or sentencing breakdowns for the years following 2017.

[31] Human Rights Watch, "China: Xinjiang Official Figures Reveal Higher Prisoner Count," September 14, 2022.

[32] Human Rights Watch, "China: Xinjiang Official Figures Reveal Higher Prisoner Count," September 14, 2022.

[33] Helen Ann-Smith et al., "What's Happened to China's Uyghur Camps?," *Sky News,* May 18, 2023.

[34] *The Chinese Communist Party's Ongoing Uyghur Genocide, Hearing of the Select Committee on the CCP, U.S. House of Representatives,* 118th Cong. (2023) (testimony of Adrian Zenz, Senior

Fellow and Director of China Studies, Victims of Communism Memorial Foundation), 1:15:27–1:16:07 and 1:50:24–1:50:49. Adrian Zenz refers to mass internment camps as "vocational centers" and "reeducation camps."

[35] *The Chinese Communist Party's Ongoing Uyghur Genocide, Hearing of the Select Committee on the CCP, U.S. House of Representatives,* 118th Cong. (2023) (testimony of Adrian Zenz, Senior Fellow and Director of China Studies, Victims of Communism Memorial Foundation), 27, 46. See also Ma Xingrui, "Wei shixian Xinjiang shehui wending he changzhi jiu'an tigong jianqiang baozhang" [Provide a strong guarantee for the realization of social stability and long-term stability in Xinjiang], *People's Daily,* April 21, 2022.

[36] Shohret Hoshur, "Uyghur Teacher Confirmed Detained in Xinjiang for Work on Literature Textbooks," *Radio Free Asia,* March 3, 2023; Shöhret Hoshur, "'Méning yéngi dersxanam' namliq kitabning aptori sétiwaldi kérimning 19 yilliq késilgenliki ashkarilandi" [The author of "My New Classroom" Sétiwaldi Kérim revealed to have been sentenced to 19 years], *Radio Free Asia,* March 1, 2023. For more information on Setiwaldi Kerim, see the Commission's Political Prisoner Database record 2023-00131.

[37] Shohret Hoshur, "Uyghur Teacher Confirmed Detained in Xinjiang for Work on Literature Textbooks," *Radio Free Asia,* March 3, 2023; Shöhret Hoshur, "'Méning yéngi dersxanam' namliq kitabning aptori sétiwaldi kérimning 19 yilliq késilgenliki ashkarilandi' [The author of "My New Classroom" Sétiwaldi Kérim revealed to have been sentenced to 19 years], *Radio Free Asia,* March 1, 2023.

[38] For more information on Yalqun Rozi, see the Commission's Political Prisoner Database record 2019-00379.

[39] Shohret Hoshur, "Uyghur Teacher Confirmed Detained in Xinjiang for Work on Literature Textbooks," *Radio Free Asia,* March 3, 2023; Shöhret Hoshur, "'Méning yéngi dersxanam' namliq kitabning aptori sétiwaldi kérimning 19 yilliq késilgenliki ashkarilandi" [The author of "My New Classroom" Sétiwaldi Kérim revealed to have been sentenced to 19 years], *Radio Free Asia,* March 1, 2023. For more information on Sattar Sawut, see the Commission's Political Prisoner Database record 2019-00385.

[40] Chinese Human Rights Defenders, "Bei panxing 11 nian de zhuming Weiwu'er zu xin shengdai geshou Abulajiang Awuti Ayoupu de anqing jianli" [The case and biography of the famous Uyghur new-generation singer Ablajan Awut Ayup who was sentenced to 11 years in prison], December 2, 2022. For more information on Ablajan Ayup, see the Commission's Political Prisoner Database record 2018-00444.

[41] Chinese Human Rights Defenders, "Bei panxing 11 nian de zhuming Weiwu'er zu xin shengdai geshou Abulajiang Awuti Ayoupu de anqing jianli" [The case and biography of the famous Uyghur new-generation singer Ablajan Awut Ayup who was sentenced to 11 years in prison], December 2, 2022.

[42] Chinese Human Rights Defenders, "Bei panxing 11 nian de zhuming Weiwu'er zu xin shengdai geshou Abulajiang Awuti Ayoupu de anqing jianli" [The case and biography of the famous Uyghur new-generation singer Ablajan Awut Ayup who was sentenced to 11 years in prison], December 2, 2022.

[43] Chinese Human Rights Defenders, "Bei panxing 11 nian de zhuming Weiwu'er zu xin shengdai geshou Abulajiang Awuti Ayoupu de anqing jianli" [The case and biography of the famous Uyghur new-generation singer Ablajan Awut Ayup who was sentenced to 11 years in prison], December 2, 2022; "Popular Uyghur Singer's Whereabouts Unknown, Believed Detained in Xinjiang Re-Education Camp," *Radio Free Asia,* May 18, 2018.

[44] Shöhret Hoshur, "Sha'ir we edib Abduqadir Jalalidinning muddetsiz késiwétilgenliki ashkarilandi" [It has been revealed that the poet and writer Abduqadir Jalalidin has been sentenced to life], *Radio Free Asia,* January 19, 2023. For more information on Abduqadir Jalalidin, see the Commission's Political Prisoner Database record 2018-00268.

[45] Shöhret Hoshur, "Sha'ir we edib Abduqadir Jalalidinning muddetsiz késiwétilgenliki ashkarilandi" [It has been revealed that the poet and writer Abduqadir Jalalidin has been sentenced to life], *Radio Free Asia,* January 19, 2023.

[46] "Prominent Uyghur Scholar Detained in Xinjiang Capital Urumqi: Official," *Radio Free Asia,* April 25, 2018.

[47] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022. For more information, see the Commission's Political Prisoner Database records 2023-00026 on Imanem Nesrulla and 2023-00027 on Ayhan Memet.

[48] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022; Shöhret Hoshur, "Gollandiye hawa armiye kapitani muniridin yadikarning qomuldiki apisi we yenggisi 15 yilliq késiwétilgen" [Dutch Air Force Captain Munirdin Jadikar's mother and sister-in-law in Qumul sentenced to 15 years], *Radio Free Asia,* November 15, 2022.

[49] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022.

[50] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022.

[51] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022.

[52] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022.

[53] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022. The officials were likely referring to Article 111 of the PRC Criminal Law, which forbids individuals from "unlawfully supplying state secrets or intelligence" to a foreign entity. *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 111.

[54] Shohret Hoshur, "China Sentences Mother of Uyghur Dutch Airman to 15 Years for Visiting Him Abroad," *Radio Free Asia,* November 17, 2022.
[55] Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 305.
[56] Shohret Hoshur, "Former Uyghur Muslim Preacher Confirmed Dead in Prison in China's Xinjiang," *Radio Free Asia,* December 28, 2022; Shöhret Hoshur, "Korla qarayulghun meschitining sabiq xatibi ömer hüseyin türmide jan üzgen" [Omer Huseyin, a former preacher at the Qarayulghun Mosque in Korla, has died in prison], *Radio Free Asia,* December 16, 2022; Shöhret Hoshur, "Korla qarayulghunda 'terbiyelesh' ke ekétilgen 4 qérindashtin ikkisi türmide jan üzgen" [Two of 4 brothers who were taken to "education" in Qarayulghun, Korla, died in prison], *Radio Free Asia,* December 22, 2022. For more information, see the Commission's Political Prisoner Database records 2023-00133 on Omer Huseyin and 2023-00134 on Semet Huseyin.
[57] Shohret Hoshur, "Former Uyghur Muslim Preacher Confirmed Dead in Prison in China's Xinjiang," *Radio Free Asia,* December 28, 2022. Shöhret Hoshur, "Korla qarayulghunda "terbiyelesh" ke ekétilgen 4 qérindashtin ikkisi türmide jan üzgen" [Two of 4 brothers who were taken to "education" in Qarayulghun, Korla, died in prison], *Radio Free Asia,* December 22, 2022.
[58] Shohret Hoshur, "Former Uyghur Muslim Preacher Confirmed Dead in Prison in China's Xinjiang," *Radio Free Asia,* December 28, 2022; Shöhret Hoshur, "Korla qarayulghun meschitining sabiq xatibi omer hüseyin türmide jan üzgen" [Omer Huseyin, a former preacher at the Qarayulghun Mosque in Korla, has died in prison], *Radio Free Asia,* December 16, 2022.
[59] Shohret Hoshur, "Former Uyghur Muslim Preacher Confirmed Dead in Prison in China's Xinjiang," *Radio Free Asia,* December 28, 2022; Shöhret Hoshur, "Korla qarayulghunda "terbiyelesh" ke ekétilgen 4 qérindashtin ikkisi türmide jan üzgen" [Two of 4 brothers who were taken to "education" in Qarayulghun, Korla, died in prison], *Radio Free Asia,* December 22, 2022.
[60] Shohret Hoshur, "Renowned Uyghur Poet Dies Following Prison Release in Xinjiang," *Radio Free Asia,* December 29, 2022. For more information on Abdulla Sawut, see the Commission's Political Prisoner Database record 2023-00132.
[61] Shohret Hoshur, "Renowned Uyghur Poet Dies Following Prison Release in Xinjiang," *Radio Free Asia,* December 29, 2022; Shöhret Hoshur, "Ataqliq edib we sha'ir abdulla sawut türmidin késel chiqip dawalinalmay jan üzgen" [The famous writer and poet Abdulla Sawut died after getting sick from prison without treatment], *Radio Free Asia,* December 29, 2022.
[62] Shohret Hoshur, "Renowned Uyghur Poet Dies Following Prison Release in Xinjiang," *Radio Free Asia,* December 29, 2022; Shöhret Hoshur, "Ataqliq edib we sha'ir abdulla sawut türmidin késel chiqip dawalinalmay jan üzgen" [The famous writer and poet Abdulla Sawut died after getting sick from prison without treatment], *Radio Free Asia,* December 29, 2022.
[63] Shohret Hoshur, "Uyghur Propaganda Chief Confirmed Dead 5 Days after Being Released from Jail," *Radio Free Asia,* March 17, 2023; Shöhret Hoshur, "Aqsu wilayetlik teshwiqat bölüm bashliqi ilham rozining türmidin chiqip 5 kündin këyin wapat bolghanliqi delillendi" [It has been confirmed that Aksu Prefectural Publicity Department Head Ilham Rozi has died five days after leaving prison], *Radio Free Asia,* March 13, 2023. For more information on Ilham Rozi, see the Commission's Political Prisoner Database record 2023-00197.
[64] Shohret Hoshur, "Uyghur Propaganda Chief Confirmed Dead 5 Days after Being Released from Jail," *Radio Free Asia,* March 17, 2023; Shöhret Hoshur, "Aqsu wilayetlik teshwiqat bölüm bashliqi ilham rozining türmidin chiqip 5 kündin kéyin wapat bolghanliqi delillendi" [It has been confirmed that Aksu Prefectural Publicity Department Head Ilham Rozi has died five days after leaving prison], *Radio Free Asia,* March 13, 2023.
[65] Shohret Hoshur, "Uyghur Propaganda Chief Confirmed Dead 5 Days after Being Released from Jail," *Radio Free Asia,* March 17, 2023; Shöhret Hoshur, "Aqsu wilayetlik teshwiqat bölüm bashliqi ilham rozining türmidin chiqip 5 kündin kéyin wapat bolghanliqi delillendi" [It has been confirmed that Aksu Prefectural Publicity Department Head Ilham Rozi has died five days after leaving prison], *Radio Free Asia,* March 13, 2023; Uyghur Hjelp, "List of Uyghur Intellectuals Imprisoned in China from 2016 to the Present (Last Updated by Abduweli Ayup December 31, 2022)," accessed March 27, 2023. For more information, see the Commission's Political Prisoner Database records 2019-00379 on Yalqun Rozi and 2018-00268 on Abduqadir Jalalidin.
[66] Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 306; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 278–79; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 302–3.
[67] *The Chinese Communist Party's Ongoing Uyghur Genocide, Hearing of the Select Committee on the CCP, U.S. House of Representatives,* 118th Cong. (2023) (testimony of Adrian Zenz, Senior Fellow and Director of China Studies, Victims of Communism Memorial Foundation), 13–14; U.N. Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, A/HRC/51/26, July 19, 2022, para. 23; Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, para. 118.
[68] Adrian Zenz, "Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor," *Journal of Communist and Post-Communist Studies* 56, no. 2 (June 2023): 4.
[69] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 118–23.
[70] U.N. Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, A/HRC/51/26, July 19, 2022, paras. 23–24. See also Rome Statute of the International Criminal Court, adopted by the United

Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1, 2002, art. 7(c).

[71] U.N. Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, A/HRC/51/26, July 19, 2022, para. 24. See also Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1 2002, art. 7(c).

[72] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 111th Session, February 17, 2023, 604–9.

[73] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 111th Session, February 17, 2023, 604, 606. China ratified the Convention in 2006. See also International Labour Organization, Discrimination (Employment and Occupation) Convention, 1958 (No. 111), arts. 1–5.

[74] International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 111th Session, February 17, 2023, 606. See also *Zhonghua Renmin Gongheguo Laodong Fa* [PRC Labor Law], passed July 5, 1994, effective January 1, 1995, amended December 29, 2018, arts. 12–14; *Zhonghua Renmin Gongheguo Zhiye Jiaoyu Fa* [PRC Vocational Education Law], passed May 15, 1996, amended April 20, 2022, effective May 1, 2022, arts. 9, 10; *Zhonghua Renmin Gongheguo Jiuye Cujin Fa* [PRC Employment Promotion Law], passed August 30, 2007, effective January 1, 2008.

[75] Antony J. Blinken, U.S. Department of State, "Implementation of the Uyghur Forced Labor Prevention Act," June 21, 2022.

[76] Uyghur Forced Labor Prevention Act (Public Law 117–78). The Uyghur Forced Labor Prevention Act (Public Law No. 117–78) establishes a rebuttable presumption that all goods made in whole or in part in the XUAR have been made with forced labor, and that the importation of such goods is prohibited by Section 307 of the Tariff Act of 1930. See also U.S. Customs and Border Protection, "CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang," January 13, 2021; U.S. Customs and Border Protection, "Uyghur Forced Labor Prevention Act: U.S. Customs and Border Protection Operational Guidance for Importers," June 13, 2022.

[77] Uyghur Human Rights Project, "Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves," August 2022, 1, 2, 13.

[78] Uyghur Human Rights Project, "Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves," August 2022, 1, 12.

[79] Evan Conceicao and Melissa Whalen, U.S. Customs and Border Protection, "Implementing the Uyghur Forced Labor Prevention Act: A Challenge Worth the Effort," January 5, 2023. As of June 20, 2023, Customs and Border Protection had denied or detained under review more than US$752 million worth of shipments under the Uyghur Forced Labor Prevention Act. U.S. Customs and Border Protection, "Uyghur Forced Labor Prevention Act Statistics," accessed May 19, 2023.

[80] Laura Murphy, Kendyl Salcito, Yalkun Uluyol, Mia Rabkin, and an anonymous team of authors, Helena Kennedy Centre for International Justice, Sheffield Hallam University, and NomoGaia, "Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region," December 2022, 1, 50, Annex C.

[81] Laura Murphy, Kendyl Salcito, Yalkun Uluyol, Mia Rabkin, and an anonymous team of authors, Helena Kennedy Centre for International Justice, Sheffield Hallam University, "Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region," December 2022.

[82] Laura Murphy, Kendyl Salcito, Yalkun Uluyol, Mia Rabkin, and an anonymous team of authors, Helena Kennedy Centre for International Justice, Sheffield Hallam University, and NomoGaia, "Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region," December 2022, 22–23, 37, 47–48.

[83] See, e.g., "Lookout Discovers Long-Running Surveillance Campaigns Targeting Uyghurs," *Lookout,* November 10, 2022; Gulchehra Hoja, "Driverless Police Surveillance Cars Hit Streets of Xinjiang's Karamay," *Radio Free Asia,* July 14, 2022; Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 99–101; Gerald Roche and James Leibold, "State Racism and Surveillance in Xinjiang (People's Republic of China)," *Political Quarterly* 93, no. 3 (2022): 446–48; Jessica Batke, "Participation in Xinjiang Surveillance Program Can Lead to Smoother Career Enhancement," *ChinaFile,* Asia Society, July 5, 2022; Yang Mingfang and A'er Dake, "Fenlie jianshe xin shidai Zhongguo tese shehui zhuyi Xinjiang" [Strive to build a socialist Xinjiang with Chinese characteristics in the new era], *People's Daily,* August 10, 2022.

[84] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 94–103.

[85] Office of the U.N. High Commissioner for Human Rights, "Human Rights Implications of the Development, Use and Transfer of New Technologies in the Context of Counter-Terrorism and Countering and Preventing Violent Extremism: Report of the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism," Fionnuala Ní Aoláin, A/HRC/52/39, March 1, 2023, paras. 20, 31.

[86] Gerald Roche and James Leibold, "State Racism and Surveillance in Xinjiang (People's Republic of China)," *Political Quarterly* 93, no. 3 (2022): 447–48.

[87] See, e.g., Amos Zeeberg, "A Tiny Blog Took on Big Surveillance in China—and Won," *Wired,* April 4, 2023; Bethany Allen-Ebrahimian and Ina Fried, "Exclusive: Hikvision Internal Review Found Xinjiang Contracts Targeted Uyghurs," *Axios,* April 17, 2023; Adrian Wooldridge, "Chi-

na's Surveillance State Will Be the West's Future, Too," *Bloomberg,* September 12, 2022; Ruth Ingram, "Activists Call for Complete Ban on Hikvision, Dahua, and Other Firms That Make Surveillance Tech Used in Xinjiang," *China Project,* April 6, 2023.
[88] Bethany Allen-Ebrahimian and Ina Fried, "Exclusive: Hikvision Internal Review Found Xinjiang Contracts Targeted Uyghurs," *Axios,* April 17, 2023.
[89] Bethany Allen-Ebrahimian and Ina Fried, "Exclusive: Hikvision Internal Review Found Xinjiang Contracts Targeted Uyghurs," *Axios,* April 17, 2023; "Hikvision Cameras Used to Catch Uyghurs Featured in Xinjiang Police Files," IPVM, June 14, 2022; Bethany Allen-Ebrahimian, "Report: Hikvision Cameras Help Xinjiang Police Ensnare Uyghurs," *Axios,* June 14, 2022.
[90] Ruth Ingram, "Activists Call for Complete Ban on Hikvision, Dahua, and Other Firms That Make Surveillance Tech Used in Xinjiang," *China Project,* April 6, 2023.
[91] Human Rights Watch, "China: Phone Search Program Tramples Uyghur Rights," May 4, 2023. See also Darren Byler, "Within the Operational Enclosure: Surveillance and Subversion in Northwest China," *Logic(s) Magazine,* no. 19 (2023).
[92] Human Rights Watch, "China: Phone Search Program Tramples Uyghur Rights," May 4, 2023.
[93] John Liu et al., "China's COVID-Zero Lockdown in Xinjiang Has Just Hit 100 Days," *Bloomberg,* November 17, 2022; Yew Lun Tian, "Protests Erupt in Xinjiang and Beijing after Deadly Fire," *Reuters,* November 26, 2022.
[94] "China's Vast Xinjiang Hit with COVID-19 Travel Restrictions," *Associated Press,* October 6, 2022.
[95] Shohret Hoshur, "COVID Disinfectant Poisoning Kills at Least 13 Uyghurs in Village in Xinjiang," *Radio Free Asia,* September 30, 2022.
[96] Shohret Hoshur, "22 Die of Starvation in One Day under COVID Lockdown in Xinjiang's Ghulja," *Radio Free Asia,* September 21, 2022; Uyghur Human Rights Project, "'We Are Dying': Desperate Messages from Uyghurs Facing Starvation and Death under Zero COVID Lockdowns," September 9, 2022; Shohret Hoshur, "Lack of Uyghur-Language Emergency Services Leads to More Deaths in Xinjiang," *Radio Free Asia,* October 4, 2022; Shohret Hoshur, "As Many as a Dozen Dead amid Shortages Caused by Xinjiang COVID Lockdown," *Radio Free Asia,* September 10, 2022.
[97] Eva Dou and Vic Chiang, "Stuck in China's COVID Lockdown, People Plead for Food, Medical Care," *Washington Post,* September 12, 2022; Uyghur Human Rights Project, "'We Are Dying': Desperate Messages from Uyghurs Facing Starvation and Death under Zero COVID Lockdowns," September 9, 2022. See also Isobel Cockerell, "'They're Trying to Kill Us': Uyghurs in Xinjiang Suffer Brutal COVID Lockdown," *Coda Story,* September 23, 2022.
[98] Eva Dou and Vic Chiang, "Stuck in China's COVID Lockdown, People Plead for Food, Medical Care," *Washington Post,* September 12, 2022; Shohret Hoshur, "22 Die of Starvation in One Day under COVID Lockdown in Xinjiang's Ghulja," *Radio Free Asia,* September 21, 2022; Josephine Ma, "Coronavirus: Authorities Apologise for Medical Woes in Locked Down Xinjiang Prefecture," *South China Morning Post,* September 10, 2022; Dake Kang, "Under COVID Lockdown, Xinjiang Residents Complain of Hunger," *Associated Press,* September 14, 2022; Isobel Cockerell, "'They're Trying to Kill Us': Uyghurs in Xinjiang Suffer Brutal COVID Lockdown," *Coda Story,* September 23, 2022.
[99] "Minitrue: Flood Weibo Comments on Xinjiang Prefecture's Lockdown," *China Digital Times,* September 9, 2022. See also Eva Dou and Vic Chiang, "Stuck in China's COVID Lockdown, People Plead for Food, Medical Care," *Washington Post,* September 12, 2022.
[100] "Xinjiang Yili: Fangyi zhong que you yixie duanban he buzu, zhide shenke fansi" [Yili, Xinjiang: There are indeed some shortcomings and deficiencies in epidemic prevention, which are worthy of deep reflection], *People's Daily,* September 9, 2022; Josephine Ma, "Coronavirus: Authorities Apologise for Medical Woes in Locked Down Xinjiang Prefecture," *South China Morning Post,* September 10, 2022. See also Cyril Ip, "Chinese Internet Users Detained over Xinjiang COVID-19 'Rumours,'" *South China Morning Post,* September 12, 2022; Dake Kang, "Under COVID Lockdown, Xinjiang Residents Complain of Hunger," *Associated Press,* September 14, 2022.
[101] Rita Cheng and Shohret Hoshur, "Deadly Fire in Xinjiang Prompts Protests across China over Strict COVID Lockdowns," *Radio Free Asia,* November 26, 2022; Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022; Rebecca Wright, Ivan Watson, and Enwer Erdem, "'I Hold China Accountable': Uyghur Families Demand Answers over Fire That Triggered Protests," *CNN,* December 1, 2022; Isabel van Brugen, "'They Never Care': Angry Relatives of China Fire Victims Dispute Death Toll," *Newsweek,* November 28, 2022.
[102] Shohret Hoshur, "Victims in Urumqi Fire That Sparked Protests Were All Uyghurs, Officials Confirm," *Radio Free Asia,* December 2, 2022.
[103] Chang Che and Amy Chang Chien, "Protest in Xinjiang against Lockdown after Fire Kills 10," *New York Times,* November 25, 2022.
[104] "Uyghur Man's Agony after Five Relatives Died in Urumqi Fire," *Agence-France Presse,* reprinted in *France 24,* November 28, 2022; Rebecca Wright, Ivan Watson, and Enwer Erdem, "'I Hold China Accountable': Uyghur Families Demand Answers over Fire That Triggered Protests," *CNN,* December 1, 2022; David Tobin (@ReasonablyRagin), "Urumchi is not Zhengzhou . . .," Twitter, November 26, 2022, 8:48 a.m.; Isabel van Brugen, "'They Never Care': Angry Relatives of China Fire Victims Dispute Death Toll," *Newsweek,* November 28, 2022.
[105] Rebecca Wright, Ivan Watson, and Enwer Erdem, "'I Hold China Accountable': Uyghur Families Demand Answers over Fire That Triggered Protests," *CNN,* December 1, 2022; Chang Che and Amy Chang Chien, "Protest in Xinjiang against Lockdown after Fire Kills 10," *New York Times,* November 25, 2022; Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022.
[106] Shohret Hoshur, "Victims in Urumqi Fire That Sparked Protests Were All Uyghurs, Officials Confirm," *Radio Free Asia,* December 2, 2022; Rebecca Wright, Ivan Watson, and Enwer

Erdem, "'I Hold China Accountable': Uyghur Families Demand Answers over Fire That Triggered Protests," *CNN,* December 1, 2022.

[107] Shöhret Hoshur, "Otta köyöp ketken qemernisaning yoldishi we chong oghlining türmide ikenliki delillendi" [Husband and eldest son of Qemernisa, who burned to death in the fire, confirmed in prison], *Radio Free Asia,* December 9, 2022; Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022; Rebecca Wright, Ivan Watson, and Enwer Erdem, "'I Hold China Accountable': Uyghur Families Demand Answers over Fire That Triggered Protests," *CNN,* December 1, 2022. For more information, see the Commission's Political Prisoner Database records 2023-00219 on Memet'eli Metniyaz and 2023-00220 on Ilyas Memet'eli.

[108] Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022.

[109] Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022.

[110] Abduweli Ayup (@AbduwelA), "Henipe is in screenshot of people in #UrumqiFire were crying to be rescued . . .," Twitter, November 29, 2022, 4:20 p.m.

[111] Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022.

[112] Manya Koetse, "The 11.24 Urumqi Fire: Mourning and Anger at Lives Lost in Apartment Building Inferno," What's on Weibo, November 25, 2022; "Nüzi zaoyao Wulumuqi huozai shigu siwang renshu bei xingju" [Woman criminally detained for spreading rumors about death toll in Urumqi fire], Urumqi Municipality Public Security Bureau, reprinted in Guancha Weixin account, November 25, 2022.

[113] Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022; Nathan Ruser (@Nrg8000), "For our 4th China Protest Map Tracker . . .," Twitter, December 2, 2022, 7:16 a.m.; Rita Cheng and Shohret Hoshur, "Deadly Fire in Xinjiang Prompts Protests across China over Strict COVID Lockdowns," *Radio Free Asia,* November 26, 2022.

[114] "China Protests Shine Light on Limits of Uyghur Solidarity," *Agence-France Presse,* reprinted in *Radio France Internationale,* December 12, 2022; Jo Smith Finley, "China Protests: Uyghur People Have Suffered Most from Draconian Zero-COVID Policies but Are Too Terrorised to Join In," *Conversation*, December 1, 2022; Rachel Cheung, "For the First Time, Chinese Protesters Are Standing with Uyghurs. Will It Last?," *Vice,* December 12, 2022; Chinese Human Rights Defenders, "China Must End Reprisals against Protestors, Investigate Urumqi Fire, Free Detainees," December 2, 2022; Rebecca Wright, Ivan Watson, and Enwer Erdem, "'I Hold China Accountable': Uyghur Families Demand Answers over Fire That Triggered Protests," *CNN,* December 1, 2022.

[115] Jane Tang, "U.S.-Based Uyghur Man Calls on China to Release His 19-Year-Old Sister," *Radio Free Asia,* January 26, 2023; Shohret Hoshur, "Detained Uyghur Student Awaits Outcome of Probe into Her Case in Xinjiang," *Radio Free Asia,* April 28, 2023. For more information on Kamile Wayit, see the Commission's Political Prisoner Database record 2023-00045.

[116] Amy Hawkins, "Uyghur Student Convicted after Posting Protests Video on WeChat," *Guardian,* June 8, 2023. The Ministry of Foreign Affairs was likely referring to Article 120-3 of the PRC Criminal Law, which forbids individuals from "advocating terrorism or extremism" by producing or distributing books, audio or visual materials, or other items, or by giving lectures or publishing information that "advocates terrorism or extremism." *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 120-3.

[117] Shen Lu, "Chinese Protesters Released after Four Months in Jail," *Wall Street Journal,* April 19, 2023; Tessa Wong and Grace Tsoi, "The Protesters Who've Gone Missing as China Deepens Crackdown," *BBC,* February 18, 2023; Shohret Hoshur, "Detained Uyghur Student Awaits Outcome of Probe into Her Case in Xinjiang," *Radio Free Asia,* April 28, 2023.

[118] Andréa J. Worden and Nuzigum Setiwaldi, Uyghur Human Rights Project, "Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan," 2022, 1, 4–5, 6–38.

[119] Andréa J. Worden and Nuzigum Setiwaldi, Uyghur Human Rights Project, "Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan," 2022, 3–4.

[120] Andréa J. Worden and Nuzigum Setiwaldi, Uyghur Human Rights Project, "Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan," 2022, 1–2.

[121] Andréa J. Worden and Nuzigum Setiwaldi, Uyghur Human Rights Project, "Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan," 2022, 34–37.

[122] Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 16; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by U.N. General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, art. 16; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 3, 5. See also Andréa J. Worden and Nuzigum Setiwaldi, Uyghur Human Rights Project, "Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan," 2022, 37–38.

[123] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 107–8.

[124] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 104, 111, 113.
[125] Stuart Lau, "China Direct: Damning UN Report—Crimes against Humanity—No Fan of Gorbachev," *Politico,* September 1, 2022. See also Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), adopted and proclaimed by U.N. General Assembly resolution 260 (III) of December 9, 1948, art. 2(d).
[126] Uyghur Human Rights Project, "Parallel Submission to the UN Committee on the Elimination of Discrimination against Women (CEDAW)," April 2023; World Uyghur Congress, "WUC Submission to the UN Committee on the Elimination of Discrimination against Women for Consideration on the Report on China Concerning the Rights of the Uyghur and Other Turkic and Muslim Women," April 11, 2023.
[127] Uyghur Human Rights Project, "Parallel Submission to the UN Committee on the Elimination of Discrimination against Women (CEDAW)," April 2023. See also Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by U.N. General Assembly resolution 34/180 of December 18, 1979, entry into force September 3, 1981, arts. 12, 16.
[128] See, e.g., Joanna Lillis, "Kazakhstan: Xinjiang Detainees' Relatives Mark Anniversary at Chinese Consulate," *Eurasianet,* September 29, 2022; "Relatives 'Held Hostage': Ethnic Kazakhs Fear Chinese Persecution after Settling Abroad," *Radio Free Europe/Radio Liberty,* March 6, 2023; Amelia Loi, Gu Ting, and Jewlan, "As Ramadan Begins, China's Muslims Face Fasting Bans, Monitoring and Arrest," *Radio Free Asia,* March 23, 2023.
[129] Joanna Lillis, "Kazakhstan: Xinjiang Detainees' Relatives Mark Anniversary at Chinese Consulate," *Eurasianet,* September 29, 2022; "Relatives 'Held Hostage': Ethnic Kazakhs Fear Chinese Persecution after Settling Abroad," *Radio Free Europe/Radio Liberty,* March 6, 2023; Nurtai Lakhanuly, "Ethnic Kazakh Man Reunites with Relatives in Almaty after Years in Xinjiang Labor Camp," *Radio Free Europe/Radio Liberty,* February 9, 2023.
[130] "Relatives 'Held Hostage': Ethnic Kazakhs Fear Chinese Persecution after Settling Abroad," *Radio Free Europe/Radio Liberty,* March 6, 2023.
[131] Shohret Hoshur, "China Arrests Family of Kazakh Singer Supposedly Contacted by Foreign Reporter," *Radio Free Asia,* February 21, 2023; Chris Rickleton, "Ethnic Kazakh in Xinjiang Sends 'Extremely Rare' SOS in Bid to Escape Arrest, China," *Radio Free Europe/Radio Liberty,* January 6, 2023; Christoph Giesen and Katharina Graca Peters, "'I Want To Live': A Victim of Repression in Xinjiang Awaits New Life," *Der Spiegel,* January 24, 2023. For more information on Zhanargul Zhumatai, see the Commission's Political Prisoner Database 2023-00085.
[132] "Xinjiang Camp Survivor Arrested Trying to Visit Kazakhstan," *Eurasianet,* February 13, 2023; Colum Murphy, Lucille Liu, and James Mayger, "China Detains Ethnic Kazakh Activist in Xinjiang, Scholar Says," *Bloomberg,* February 15, 2023.
[133] Gu Ting and Hsia Hsiao-hwa, "Xinjiang State Security Police Detain Outspoken Ethnic Kazakh Musician," *Radio Free Asia,* February 13, 2023; "Xinjiang Camp Survivor Arrested Trying to Visit Kazakhstan," *Eurasianet,* February 13, 2023.
[134] Christoph Giesen and Katharina Graca Peters, "'I Want To Live': A Victim of Repression in Xinjiang Awaits New Life," *Der Spiegel,* January 24, 2023; "Zhanargul Zhumatai, Entry 48985," Xinjiang Victims Database (www.shahit.biz), accessed April 10, 2023. The term "focus country" likely refers to a list of 26 countries officials deem it suspicious for Uyghurs to visit. The 26 countries reportedly include Algeria, Afghanistan, Azerbaijan, Egypt, Pakistan, Kazakhstan, Kyrgyzstan, Kenya, Libya, South Sudan, Nigeria, Saudi Arabia, Iran, Malaysia, Indonesia, Thailand, Russia, and Turkey. Josh Chin and Clément Bürge, "Twelve Days in Xinjiang: How China's Surveillance State Overwhelms Daily Life," *Wall Street Journal,* December 19, 2017; Rights Defense Network, "26 guo bei lie she kong mingdan Xinjiang 10 duo ming Musilin bei panxing" [26 countries put onto an involved-with-terrorism list, more than 10 Muslims sentenced in Xinjiang], December 10, 2017.
[135] Christoph Giesen and Katharina Graca Peters, "'I Want To Live': A Victim of Repression in Xinjiang Awaits New Life," *Der Spiegel,* January 24, 2023; "Conversation on Skype and Telephone on Monday 2 January 2023, Afternoon 2 pm, Central European Time (CET) Between Rune Steenberg (in Schleswig, Gernamy) and Zhanargül Zhumatay (in Ürümchi, Xinjiang, PRC," Xinjiang Victims Database (www.shahit.biz), accessed April 10, 2023; Chris Rickleton, "Ethnic Kazakh in Xinjiang Sends 'Extremely Rare' SOS in Bid to Escape Arrest, China," *Radio Free Europe/Radio Liberty,* January 6, 2023; Gu Ting and Hsia Hsiao-hwa, "Xinjiang State Security Police Detain Outspoken Ethnic Kazakh Musician," *Radio Free Asia,* February 13, 2023.
[136] Christoph Giesen and Katharina Graca Peters, "'I Want To Live': A Victim of Repression in Xinjiang Awaits New Life," *Der Spiegel,* January 24, 2023; "Conversation on Skype and Telephone on Monday 2 January 2023, Afternoon 2 pm, Central European Time (CET) Between Rune Steenberg (in Schleswig, Gernamy) and Zhanargül Zhumatay (in Ürümchi, Xinjiang, PRC," Xinjiang Victims Database (www.shahit.biz), accessed April 10, 2023; Tasnim Nazeer, "No Escape: Camp Survivor Describes Life under House Arrest in Xinjiang," *Diplomat,* January 10, 2023; "Xinjiang Camp Survivor Arrested Trying to Visit Kazakhstan," *Eurasianet,* February 13, 2023.
[137] Chris Rickleton, "Ethnic Kazakh in Xinjiang Sends 'Extremely Rare' SOS in Bid to Escape Arrest, China," *Radio Free Europe/Radio Liberty,* January 6, 2023; "Conversation on Skype and telephone on Monday 2 January 2023, afternoon 2 pm, Central European Time (CET) Between Rune Steenberg (in Schleswig, Gernamy) and Zhanargül Zhumatay (in Ürümchi, Xinjiang, PRC," Xinjiang Victims Database (www.shahit.biz), accessed June 20, 2023.
[138] Christoph Giesen and Katharina Graca Peters, "'I Want To Live': A Victim of Repression in Xinjiang Awaits New Life," *Der Spiegel,* January 24, 2023.

[139] Shohret Hoshur, "China Arrests Family of Kazakh Singer Supposedly Contacted by Foreign Reporter," *Radio Free Asia,* February 21, 2023. For more information on Nurghay Isha, see the Commission's Political Prisoner Database record 2023-00147.

[140] Shohret Hoshur, "China Arrests Family of Kazakh Singer Supposedly Contacted by Foreign Reporter," *Radio Free Asia,* February 21, 2023.

[141] Nurtai Lahanuly and Farangis Najibullah, "Chinese-Kazakh Writer, Businesswoman Struggles to Rebuild Life after Abuse in Xinjiang Camp," *Radio Free Europe/Radio Liberty,* July 17, 2022. For more information on Zhazira Asenqyzy, see the Commission's Political Prisoner Database record 2023-00199.

[142] "Xinjiang Camp Survivor Arrested Trying to Visit Kazakhstan," *Eurasianet,* February 13, 2023; Nurtai Lakhanuly, "Ethnic Kazakh Man Reunites with Relatives in Almaty after Years in Xinjiang Labor Camp," *Radio Free Europe/Radio Liberty,* February 9, 2023; "Sarsenbek Akbar, Entry 1072," Xinjiang Victims Database (www.shahit.biz), accessed April 12, 2023; Charlie Campbell, "The Entire System Is Designed to Suppress Us': What the Chinese Surveillance State Means for the Rest of the World," *Time,* November 21, 2019.

[143] "Ethnic Kazakh Religious Scholar Dies in Correctional Camp in China's Xinjiang," *Radio Free Europe/Radio Liberty,* March 9, 2023; "Entry 2139, Baqythan Myrzan," Xinjiang Victims Database (www.shahit.biz), accessed April 12, 2023. For more information on Baqytkhan Myrzan, see the Commission's Political Prisoner Database record 2023-00198.

[144] "Yiqing qijian jujia song 'Gulanjing' yu qiqian Weiwu'er Musilin zao chufa" [Over 7,000 Uyghur Muslims punished for reciting the Quran at home during the epidemic], *Radio Free Asia,* November 1, 2022; Shohret Hoshur, "Most Uyghurs Banned from Praying on Islamic Holiday, Even in Their Homes," *Radio Free Asia,* April 27, 2023.

[145] Shohret Hoshur, "Uyghur Imam Sentenced for Providing Religious Instruction to Son in Xinjiang," *Radio Free Asia,* September 8, 2022; Shohret Hoshur, "Uyghur Woman Serving 21 Years in Jail for Sending Children to Religious School," *Radio Free Asia,* March 1, 2023. For more information on Ayshemhan Abdulla, who was detained for sending her children to private Islamic religious schools decades prior to her detention, see the Commission's Political Prisoner Database record 2023-00195.

[146] For information on official religious restrictions enforced during Ramadan in previous reporting years, see, e.g., Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 101, 311; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 283; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 306.

[147] Shohret Hoshur, "China Using Spies to Keep Muslim Uyghurs from Fasting during Ramadan," *Radio Free Asia,* April 10, 2023; Amelia Loi, Gu Ting, and Jewlan, "As Ramadan Begins, China's Muslims Face Fasting Bans, Monitoring and Arrest," *Radio Free Asia,* March 23, 2023; Gu Ting, "Musilin Zhaiyue: Xinjiang zhongxiaoxue yaoqiu xuesheng jianshi jiazhang" [Muslim Ramadan: Primary and secondary schools in Xinjiang require students to monitor parents], *Radio Free Asia,* March 23, 2023; Shohret Hoshur, "Most Uyghurs Banned from Praying on Islamic Holiday, Even in Their Homes," *Radio Free Asia,* April 27, 2023.

[148] Shohret Hoshur, "China Using Spies to Keep Muslim Uyghurs from Fasting during Ramadan," *Radio Free Asia,* April 10, 2023.

[149] Amelia Loi, Gu Ting, and Jewlan, "As Ramadan Begins, China's Muslims Face Fasting Bans, Monitoring and Arrest," *Radio Free Asia,* March 23, 2023; Gu Ting, "Musilin Zhaiyue: Xinjiang zhongxiaoxue yaoqiu xuesheng jianshi jiazhang" [Muslim Ramadan: Primary and secondary schools in Xinjiang require students to monitor parents], *Radio Free Asia,* March 23, 2023.

[150] Shohret Hoshur, "Uyghur Imam Sentenced for Providing Religious Instruction to Son in Xinjiang," *Radio Free Asia,* September 8, 2022; Shohret Hoshur, "Uyghur Woman Serving 21 Years in Jail for Sending Children to Religious School," *Radio Free Asia,* March 1, 2023.

[151] Shohret Hoshur, "Uyghur Imam Sentenced for Providing Religious Instruction to Son in Xinjiang," *Radio Free Asia,* September 8, 2022; "Jiedu Xinjiang: Weiwu'er ahong fuzi zao jianjin; 'qingling zhengce' daozhi wuzi duanque" [Interpreting Xinjiang: Uyghur imam father and son imprisoned; "zero-COVID policy" leads to shortage of supplies], *Radio Free Asia,* September 16, 2022. For more information, see the Commission's Political Prisoner Database records 2023-00066 on Memet Musa and 2023-00081 on Osman Memet.

[152] Shohret Hoshur, "Uyghur Imam Sentenced for Providing Religious Instruction to Son in Xinjiang," *Radio Free Asia,* September 8, 2022; "Jiedu Xinjiang: Weiwu'er ahong fuzi zao jianjin; 'qingling zhengce' daozhi wuzi duanque" [Interpreting Xinjiang: Uyghur imam father and son imprisoned; "zero-COVID policy" leads to shortage of supplies], *Radio Free Asia,* September 16, 2022.

[153] Shohret Hoshur, "Uyghur Imam Sentenced for Providing Religious Instruction to Son in Xinjiang," *Radio Free Asia,* September 8, 2022; Shöhret Hoshur, "Keriyede oghligha diniy telim bergen diniy zat 10 yilliq, telim alghan oghli 6 yilliq késilgen" [In Keriye, religious figure sentenced to 10 years for teaching son religion, son sentenced to 6 years for receiving teachings], *Radio Free Asia,* September 2, 2022.

[154] See, e.g., David Tobin and Nyrola Elimä, "'We Know You Better than You Know Yourself': China's Transnational Repression of the Uyghur Diaspora," University of Sheffield, April 13, 2023; Carl Dinnen and Khadija Kothia, "Wolf Warrior Diplomacy: How China Is Crushing Dissent on British Soil," *ITV News,* February 16, 2023; Lu Xi, "Taochu Xinjiang hou Weiwu'er ren, Hasake ren reng zao guo'an saorao" [After fleeing Xinjiang, Uyghurs and Kazakhs are still harassed by state security], *Radio Free Asia,* February 24, 2023. For information on the transnational repression of Uyghurs and other Turkic Muslims in previous years, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 310–11, 348–50; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 140.

[155] David Tobin and Nyrola Elimä, "'We Know You Better than You Know Yourself': China's Transnational Repression of the Uyghur Diaspora," University of Sheffield, April 13, 2023, 22, 55.

[156] David Tobin and Nyrola Elimä, "'We Know You Better than You Know Yourself': China's Transnational Repression of the Uyghur Diaspora," University of Sheffield, April 13, 2023, 24, 30–32, 44–50, 67–73. See also James Gooderson, "China 'Offering Persecuted Uighur Muslims Thousands of Pounds to Spy for Them,'" *LBC,* February 20, 2023; Carl Dinnen and Khadija Kothia, "Wolf Warrior Diplomacy: How China Is Crushing Dissent on British Soil," *ITV News,* February 16, 2023; Gulchehra Hoja, "With Threats and Intimidation, China Coerces Uyghurs in Turkey to Spy on Each Other," *Radio Free Asia,* February 5, 2023.

[157] David Tobin and Nyrola Elimä, "'We Know You Better than You Know Yourself': China's Transnational Repression of the Uyghur Diaspora," University of Sheffield, April 13, 2023, 74–92.

XI. Hong Kong and Macau

HONG KONG AND MACAU

Findings

- Two United Nations committees reviewed Hong Kong's compliance with its human rights obligations, finding that the Hong Kong government had "de facto abolished the independence of the judiciary" through the National Security Law (NSL), and calling for the repeal of the NSL and sedition provisions under the Crimes Ordinance. In particular, the Human Rights Committee noted several areas of concern, including—the potential for the transfer of defendants to mainland China; the excessive and unchecked power of the chief executive and the police regarding enforcement measures; and the lack of legal certainty concerning the definition of "national security" and grounds for extraterritorial application.
- In May 2023, Chief Executive John Lee proposed a bill that would change the composition of District Councils, which are community-level bodies that advise the government on matters affecting residents in each district. Although District Councils have limited influence in policymaking, they serve as the last institution through which residents can directly choose their representatives. Under the reform plan, the number of directly elected seats would be significantly reduced, and all candidates would be subject to a vetting process designed to exclude candidates considered to be disloyal to the government.
- Hong Kong authorities continued to prosecute individuals for violating the National Security Law, under which basic procedural rights, such as trial by jury and presumption of innocence, are disregarded. Hong Kong extended the restrictions on procedural rights to crimes that the government deems to involve national security, augmenting authorities' ability to punish people for peacefully exercising their universally recognized rights. Hong Kong authorities also applied the law extraterritorially, charging people with criminal offenses for actions committed outside of Hong Kong, creating a chilling effect that had a global reach.
- The prison system augmented the enforcement of the "deradicalization program" that is designed to treat political prisoners as extremists and to instill in them a sense of hopelessness and fear, deterring them from future political activism. The program uses tactics including mandatory propaganda movie-watching, confession sessions, and corporal punishment, all of which escalated drastically this past year, according to one former detainee.
- After the prosecution unsuccessfully tried to prevent a foreign lawyer from representing pro-democracy entrepreneur Jimmy Lai in a criminal case, John Lee sought an intervention from the National People's Congress Standing Committee, which issued an interpretation affirming the chief executive's power to certify whether a foreign lawyer should be admitted in a particular case. While the interpretation did not create a blanket ban on foreign lawyers, some analysts were concerned

that the interpretation had the broader effect of allowing the chief executive to "bypass unwelcome court decisions" and giving them unchecked power "to rule by decree" over a broad range of issues.

Recommendations

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

- Continue to support Hong Kong pro-democracy activists who have been charged, detained, or imprisoned under the National Security Law or for other political reasons, including **Joshua Wong, Jimmy Lai, Albert Ho, Cyd Ho, Lee Cheuk-yan, Leung Kwok-hung, Benny Tai, Claudia Mo, Tam Tak-chi, Tiffany Yuen, Lester Shum, Andy Li,** and **Tony Chung.**
- Develop a strategy to implement the measures suggested by 50 independent U.N. human rights experts in a joint letter dated July 2020, which included creating a special session to evaluate China's human rights violations; establishing an impartial and independent mechanism to monitor, analyze, and report on China's human rights practices; and engaging in dialogue with China to demand that it fulfill its human rights obligations.
- Fully implement the sanctions in the Hong Kong Human Rights and Democracy Act (Public Law No. 116-76) and the Hong Kong Autonomy Act (Public Law No. 116-149), including those for financial institutions and individuals complicit in the dismantling of Hong Kong's autonomy and rights protections and the PRC government's violation of the 1984 Sino-British Declaration, an international treaty. Congress should pass the Hong Kong Judicial Sanctions Act (S. 3177 / H.R. 6153, 118th Cong.), which requires a review of all sanctions with possible application in these areas. Congress likewise should pass the Hong Kong Economic and Trade Office (HKETO) Certification Act (S. 490 / H.R. 1103, 118th Cong.), which requires the President to remove the extension of certain privileges, exemptions, and immunities to the HKETO if Hong Kong no longer enjoys a high degree of autonomy from the PRC. Work with allies and partners at the U.N. and other multilateral organizations to issue frequent public statements and engage in other diplomatic efforts to seek the release of political prisoners and address violations of international human rights standards.
- Work to speed up processing times for refugee cases already in the system and consider expanding the annual cap on refugees admitted to the U.S. in an increased effort to protect those fleeing PRC persecution. Prioritize steps to remove barriers to properly vetted Hong Kong residents receiving U.S. visas, particularly those attempting to exit Hong Kong for fear of political persecution. Pass the Hong Kong Safe Harbor Act (S. 295 / H.R. 461) and the Hong Kong People's Freedom and Choice Act of 2021 (H.R. 4276).
- Advocate for freer and more transparent access by foreign journalists to Hong Kong and Macau.

Hong Kong

Introduction

Following the enactment of the National Security Law (NSL) in 2020, residents left Hong Kong in large numbers, and many businesses likewise have relocated.[1] In response, Chief Executive John Lee made assurances that the government valued the rule of law,[2] but the government continued to restrict fundamental rights and carry out political prosecutions, and further implemented a program that treats political prisoners as extremists.

United Nations Reviews of Treaty Obligations

This past year, the United Nations Human Rights Committee (HRC) and Committee on Economic, Social and Cultural Rights (CESCR) conducted reviews concerning the Hong Kong government's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), respectively, and subsequently issued concluding observations.[3] Notably, the committees were critical of the language and enforcement of the NSL, finding that the Hong Kong government had "de facto abolished the independence of the judiciary"[4] and calling for the repeal of the NSL and sedition provisions under the Crimes Ordinance.[5] In particular, the HRC noted several areas of concern, including—the potential for the transfer of defendants to mainland China; the excessive and unchecked power of the chief executive and the police regarding enforcement measures; and the lack of legal certainty concerning the definition of "national security" and grounds for extraterritorial application.[6] The HRC also implicitly disagreed with several rulings by Hong Kong's highest court, as they undermined a range of fundamental rights; these rulings include—

- abandoning the "presumption of bail" in national security cases;
- extending due process restrictions to crimes not provided in the NSL; and
- affirming the chief executive's emergency power to bypass the legislature and enact regulations that carry criminal penalties.[7]

The CESCR likewise highlighted that the Hong Kong government had applied the NSL in a way that undermined education and cultural rights, noting with concern the censorship of academic work and satiric content and the dismissal and arrest of students, school faculty, and content creators.[8]

In response, the Hong Kong government "strongly objected" to the "so-called concluding observations," characterizing the committees' criticisms as "unsubstantiated" and "utterly perplexing," while attempting to justify its restrictive measures by saying that rights are "not absolute."[9]

Party Control over Hong Kong Further Formalized

As announced in a March 2023 institutional reform plan, the Hong Kong and Macao Work Office of the Chinese Communist Party Central Committee was established under the name of the preexisting Hong Kong and Macao Affairs Office of the State Council, which it replaced.[10] This is akin to the organizational arrangement in mainland China wherein Party officials exert de facto control over a function through a body bearing the name of a government agency.[11] Observers interviewed by Voice of America said that the reform plan was intended to strengthen and formalize Party leadership as the Party replaces the government, predicting that Party interference in Hong Kong's affairs would become more apparent going forward.[12]

District Council Reform

In May 2023, Chief Executive John Lee Ka-chiu proposed a bill that would change the composition of District Councils,[13] community-level bodies that advise the government on matters affecting residents in each district.[14] Under Lee's plan, the number of directly elected seats would be reduced to 88, about 19 percent of the total 470 seats, representing a drop from 94 percent in 2019.[15] The remaining councilors would be selected by pro-government committees.[16] The proposal also introduced a screening mechanism to vet candidates and another mechanism for monitoring and punishing district councilors for performance that "falls short of the public expectation."[17] The changes, intended to protect "national security," were a response to the 2019 elections in which most of the district council seats were won by pro-democracy candidates, whom a Chinese official had described as "anti-China destabilizing forces."[18] While Lee denied that the reform would undermine democracy, observers noted that the new system would render the elections undemocratic and would limit the government's ability to gauge the public's needs.[19]

Arbitrary Application of Criminal Provisions

Hong Kong authorities continued to prosecute individuals for violating various criminal provisions and the NSL, under which basic procedural rights, such as trial by jury and presumption of innocence, are disregarded.[20] Hong Kong extended the restrictions on procedural rights to persons charged with crimes deemed by the government to involve national security,[21] augmenting authorities' ability to punish people for peacefully exercising their universally recognized rights, including the following:

FREEDOM OF SPEECH

In September 2022, District Court Judge Kwok Wai-kin sentenced five speech therapists each to one year and seven months in prison for publishing three children's books with "seditious intent."[22] The defendants were **Lorie Lai Ming-ling, Melody Yeung Yat-yee, Sidney Ng Hau-yi, Samuel Chan Yuen-sum,** and **Marco Fong Tsz-ho.**[23] The books were stories about sheep being harmed by wolves, where the wolves represented the Hong

Kong and PRC governments.[24] The judge found that publishing the books was "a brainwashing exercise" and sowed "the seed of instability . . . in the PRC and HKSAR," adding in dictum that it was "morally wrong for [the defendants] to say that Hong Kong and PRC are separate . . .."[25] Previously, Judge Kwok was suspended from handling political cases by the former chief justice for making biased comments in a different case, but he was reinstated by the new chief justice, Andrew Cheung, who had a record of issuing decisions supportive of the government's position.[26]

In another case, **Ma Chun-man** appealed his five years and nine months' sentence on the charge of "inciting secession" for using slogans during the 2019 protests that advocated for Hong Kong independence.[27] Ruling on the appeal, the High Court in August 2022 reduced the sentence to five years, but maintained that the offense was of a serious nature since "the mere absence of force or threat of force did not make the circumstances less serious."[28]

FREEDOM OF THE PRESS

Judge Kwok Wai-kin also presided over the trial of two former editors of the now-defunct news outlet Stand News in which they were accused of publishing 17 articles with "seditious intent."[29] The defendants were editor-in-chief **Chung Pui-kuen** and acting chief editor **Patrick Lam**.[30] Defense counsel asserted: "If the press were in danger of breaking the law whenever they criticised the government, then they might just as well just give up their jobs."[31] The judge admitted large volumes of previously unproduced evidence proffered by the prosecution mid-trial.[32] For example, in February 2023, three months into the trial, the judge admitted four boxes of additional documents over the objection of the defense counsel, who argued that the submissions were unfairly late and that she was not afforded the opportunity to review them.[33]

As of May 2023, **Jimmy Lai Chee-ying,** founder of pro-democracy newspaper Apple Daily, remained in detention, serving a prison term of five years and nine months on fraud charges related to a commercial lease and awaiting trial on national security charges for allegedly calling on foreign countries to sanction the PRC and Hong Kong officials.[34] Lai requested that the trial be terminated on the grounds that his case would be heard by a panel of judges instead of a jury.[35] Three High Court judges denied his request, saying that they were not biased against him.[36] In a letter dated March 2023, a group of five U.N. experts expressed "grave concern relating to the arrest, detention and multiple prosecutions of Jimmy Lai and the forced closure of the news outlet Apple Daily which appear to be related to his criticism of the Chinese government and his support for democracy in [the] Hong Kong SAR."[37]

FREEDOM OF ASSOCIATION

In November 2022, the West Kowloon Magistrates Court convicted six trustees of the 612 Humanitarian Fund, whose aim was "to provide legal, humanitarian and financial support to protesters during the 2019 protests,"[38] for failing to apply for registration for the fund.[39] The trustees were **Joseph Zen Ze-kiun, Margaret Ng Ngoi-yee, Hui Po-keung, Cyd Ho Sau-lan, Denise Ho Wan-see, and Sze Ching-wee.**[40] The judge found that the fund's "polit-

ical nature" made it ineligible for exemption from registration as a charitable fund and dismissed the defendants' argument that the government's interpretation of the law violated their right of free association.[41]

As of May 2023, rights lawyer **Tonyee Chow Hang-tung** was serving a prison term on charges of "unauthorized assembly" related to the annual vigils commemorating the violent suppression of the 1989 Tiananmen protests.[42] In December 2022, the High Court overturned one of her convictions, holding that the police failed to consider measures that could facilitate an assembly before categorically banning it.[43] The prosecution appealed the decision, and a hearing was scheduled for August 2023 before the Court of Final Appeal.[44]

FREEDOM OF CIVIC PARTICIPATION

High Court Judges Andrew Chan, Alex Lee, and Johnny Chan presided over a trial in a case where the prosecution accused 47 people of "conspiracy to commit subversion" for their role in an unofficial primary election in July 2020, which took place ahead of the Legislative Council election.[45] Although the primary proceeded peacefully,[46] the prosecution described it "as an unlawful scheme to seriously disrupt, undermine and interfere with the performance of duties and functions of the political powers that be."[47] Among those detained are Nobel Peace Prize nominee **Joshua Wong Chi-fung,** law professor **Benny Tai Yiu-ting,** journalist and Legislative Council member **Claudia Mo Man-ching,** labor union leader **Carol Ng Man-yee,** and social activist **Leung Kwok-hung.**[48]

June 4th Arrests

Hong Kong police detained at least 31 people in connection with their commemoration on June 4, 2023, of the violent suppression of the 1989 Tiananmen protests, and lodged a range of criminal charges including "breaching public peace," "disorderly conduct," and "seditious acts."[49] Some of those detained were carrying flowers or candles or holding a copy of a play that depicted the Tiananmen protests.[50] Ahead of the anniversary, the Hong Kong government refused to clarify whether public mourning was illegal and deployed some 6,000 police across the city to conduct "'stop and search" operations.[51] Volker Turk, the U.N. High Commissioner for Human Rights, found the Hong Kong government's actions alarming and called for the "release of anyone detained for exercising freedom of expression & peaceful assembly."[52]

Deradicalization Program in Prisons

In June 2023, the Washington Post published an article based on interviews with 13 former inmates convicted of protest-related offenses and two employees at the Hong Kong Correctional Services Department, who provided details about the implementation of a deradicalization program, officially termed "targeted rehabilitation," over this past year.[53] The program targets detainees under the age of 21 and is designed to weaken their desire to engage in political activities and encourage them to leave Hong Kong.[54] Daily reports on high-profile prisoners were prepared by prison guards

with the help of counterterrorism teams.[55] Inmates enrolled in the program were asked to watch propaganda films, learn Chinese history to "enhance their sense of nationality," and write apology letters and read them aloud in front of their parents.[56] One interviewee said he and other inmates were beaten by prison guards for failing to recite prison regulations.[57] Psychological evaluations used to detect self-harm tendencies transformed into confession sessions where detainees were "pushed to express remorse over their political actions and acknowledge that their views were extreme."[58] Reacting to this development, a former detainee observed that the current program was a drastic escalation from what he experienced when he was imprisoned between 2021 and 2022.[59]

Extraterritorial Jurisdiction of the NSL

Hong Kong authorities invoked national security charges for acts committed outside of Hong Kong, deterring participation in protest activities abroad.[60] Examples included the following:

- In August 2022, the Security Bureau condemned three people living abroad—Elmer Yuen Gong-yi, Victor Ho Leung-mau, and Baggio Leung Chung-hang—for allegedly having committed subversion under the NSL by establishing a committee to organize elections outside of Hong Kong.[61] The Bureau further urged the public to disassociate themselves from people who contravene the law.[62] Shortly thereafter, Yuen's daughter-in-law, whom the Hong Kong Free Press identified as a "pro-Beijing lawmaker," announced in a newspaper advertisement that she was severing family ties with Yuen.[63]
- In November 2022, a Portuguese national, Wong Kin-chung, who had been living in the United Kingdom, was arrested by national security police after he returned to Hong Kong to look after his mother, who suffers from dementia.[64] Wong was reportedly a leader of the Hong Kong Independence Party and had made social media posts that called for Hong Kong's independence.[65]
- In March 2023, national security police arrested a student living in Japan who had returned to Hong Kong to renew her identity card.[66] Police alleged that she had "incited secession" by "posting about Hong Kong independence on social media."[67] After Japan's chief cabinet secretary expressed concern over the case, the Hong Kong office of the PRC Ministry of Foreign Affairs called his comment an intervention in internal affairs and warned of "severe retaliation by 1.4 billion Chinese people."[68]

Restrictions on Representation by Foreign Counsel

Hong Kong and PRC authorities placed restrictions on legal representation in national security cases, further strengthening the government's influence over court cases. In October 2022, a trial court granted British lawyer Timothy Owen permission to represent Jimmy Lai Chee-ying, who was facing national security charges, including conspiracy to collude with a foreign country.[69] Under Hong Kong law, a court has discretion to allow a lawyer who is not admitted to the Hong Kong bar to provide legal representation in a particular case if he or she has relevant experience in advocacy in court.[70] The Secretary for Justice challenged the trial court's decision, arguing that foreign lawyers were unfit to handle cases involving national security.[71] The government's appeal was dismissed both by the Court of Appeal and Court of Final Appeal, Hong Kong's highest court.[72] Immediately after the Court of Final Appeal's decision, Chief Executive John Lee asked the National People's Congress (NPC) Standing Committee to interpret the NSL, citing concerns that foreign lawyers might be subject to pressure by countries that were "hostile" to the NSL.[73] The NPC Standing Committee is authorized to interpret the NSL under Article 65 of the law, but similar interpretations in the past were reportedly perceived by the public as acts undermining judicial independence.[74]

In December, the NPC Standing Committee issued an interpretation of the NSL, holding that courts should ask the chief executive to certify whether a foreign lawyer should be admitted; otherwise, a determination would be made by the Committee for Safeguarding National Security (an entity created by the NSL and chaired by the chief executive).[75]

In March 2023, the Hong Kong government proposed a legislative amendment that would create a presumption against admitting foreign lawyers in national security cases and would require foreign lawyers and courts to obtain a certificate from the chief executive before making or granting an application for admission.[76] In support of the government's position, Secretary for Justice Paul Lam Ting-kwok said the right to choose lawyers was not absolute, adding that the chief executive would not disclose the reasons when rejecting overseas lawyers in specific cases, as doing so could pose national security risks.[77]

While these official actions did not create a blanket ban on foreign lawyers, some analysts expressed concern that the NPC Standing Committee's interpretation had the broader effect of allowing the chief executive and his Committee to "bypass unwelcome court decisions" and giving them unchecked power "to rule by decree" over a broad range of issues.[78] The Legislative Council unanimously passed the government's proposed amendment in May 2023.[79]

Intimidation of Rights Lawyers

In December 2022, Reuters reported on an exodus of human rights lawyers following the passage of the NSL.[80] One Hong Kong lawyer reported that "she knew of at least 80 Hong Kong lawyers who had moved to Britain."[81] Michael Vidler, for example, decided to leave Hong Kong after a judge named his law firm in a judgment, which Vidler interpreted as a call for national security police to investigate him.[82] Despite Vidler's efforts to keep his travel ar-

rangements private, a group of reporters from PRC-backed media outlets "descended on [him] as a mob at the check-in counter, taking photos of [his] travel documents," leading him to believe that the reporters had access to information provided by official sources.[83] Vidler's departure followed that of Paul Harris, who left after being questioned by national security police and who was similarly harassed by reporters from PRC-affiliated media outlets.[84] Other means of intimidation included "[a]nonymous threats sent by text message and email[,] GPS tracking devices placed under a car, and Chinese 'funeral money' sent to an office."[85]

Academic Freedom

In his October 2022 policy address, Chief Executive John Lee called for an "enhanced School Development and Accountability framework" to bolster staff accountability and enhance national education, including raising awareness of safeguarding national security.[86] As part of the policy, the Education Bureau extended the national security test requirement for new public school teachers to teachers at all subsidized schools and kindergartens, beginning in the 2023–2024 school year.[87] A teacher from Hong Kong said it was the first time that teachers were required to take political attitude tests.[88]

In December 2022, the Education Bureau updated the Guidelines on Teachers' Professional Conduct, adding language requiring teachers to "consciously safeguard national security, social order and public interest."[89] The guidelines further require teachers to report any illegal or immoral conduct to school administrators and prohibit them from "[advocating] the disruption of social order" or getting involved in acts that violate the NSL or other laws.[90] In explaining the guidelines, the Secretary for Education said in an interview that it would be unprofessional for teachers to "casually talk about" the 1989 Tiananmen protests either in class or on social media.[91] A former secondary school teacher said that the guidelines' lack of clarity around the scope of permissible speech created a gray area that increased the risk that a teacher would be the subject of a complaint.[92] A former education official similarly expressed that the guidelines reduce teachers' professional autonomy and make them subservient to the government.[93]

The Education Bureau also rolled out a new curriculum for junior secondary school that emphasizes national security and omits content about "freedom, rule of law, social justice, [and] democracy," requiring students to learn about the political structure of China and not of other countries.[94] The new curriculum was intended to complement the now-redesigned high school version of the subject.[95]

At the university level, students at the University of Hong Kong reported that the school had asked them to take a course about national security, a requirement that was prescribed by regulations.[96] An expert conjectured that it was part of a program in which the government would push ideological education emphasizing that "national security takes precedence over human rights and freedoms."[97] The university also installed a new program requiring library patrons to register before accessing some politically sensitive books or archival materials, which a Hong Kong policy researcher

said would create a perception of being monitored that could "deter researchers from pursuing certain sensitive topics." [98]

According to official figures, an increasing number of students were leaving public universities before completing their courses, continuing a trend that began in the 2019–2020 academic year.[99] A similar uptick was seen in academic staff departures.[100] One professor observed that "the imposition of the NSL was the decisive factor [for virtually all faculty departures]," adding that the "NSL de facto put an end to academic freedom. Academics either self-censor or leave .... [F]aculty members now have to consider if they can cover a topic or not, and if something they say will be reported by a student to the NSL police." [101]

Staffing Shortages in the Public Sector

As in the education sector, civil servants and healthcare professionals resigned from their positions at a rate that may affect the government's capacity to provide public services, potentially affecting people's rights to public health and security. A union leader attributed the increased resignation rates of civil servants to factors such as stress brought on by "the chief executive's new initiatives, including the launch of key performance indicators (KPIs), and an emergency mobilisation protocol," the latter of which may require overtime work and deployment during days off.[102] In the public health sector, the increasing attrition rate lowered the physician-to-patient ratio, averaging 2 physicians per 1,000 people, which was far below other developed countries, as the Secretary for Health recognized.[103] The shortage of staff also lengthened the average wait time to over eight hours in the accident and emergency departments during peak influenza season.[104]

To address the staff shortage, Chief Executive John Lee proposed requiring "qualified healthcare professionals to serve in public healthcare institutions for a specified period of time, and admitting qualified non-locally trained dentists and nurses." [105] The proposed work-hour requirement drew criticism from a former government official, who said that it would become another "push factor that prompts more doctors and nurses to leave public hospitals." [106] The government's efforts to attract foreign-trained doctors resulted in 10 successful recruitments as of March 2023, below the 100-doctor target.[107] A medical student studying in the U.K. commented that with the disbandment of the HA Employees Alliance (a union for public hospital employees) in June 2022, doctors no longer had a channel to exercise their rights, which disincentivizes them from working in Hong Kong.[108] A former union leader said that the high salary being offered to medical professionals in Hong Kong is offset by a heavier workload.[109]

Suppression of the Press

The International Federation of Journalists (IFJ) released an October 2022 report with findings[110] that were consistent with declining press freedom and public confidence in news media in Hong Kong.[111] The report identified 12 media outlets that closed in response to the NSL and noted that "the continuing exodus of journalists and news outlets ... [and] the loss of independent on-the-

ground reporting [will make] it harder for the global community and Hong Kong's own citizens to [monitor developments there]." [112] The IFJ noted that, due to NSL-related concerns, the report could no longer be published by the Hong Kong Journalists Association, breaking from a tradition that began in 1993.[113]

This trend of diminishing press freedom is echoed in the October 2022 announcement by Peter Langan that he and a team of journalists had resigned from the South China Morning Post (SCMP) after the newspaper allegedly refused to publish a report concerning human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR).[114] Specifically, the report showed that since 2016 (when the Chinese government reversed the one-child policy), there has been a nationwide drop in the use of sterilization and birth control devices across China except in the XUAR, indicating a policy of ethnic-based discrimination.[115] After the announcement, the SCMP threatened Langan with unspecified actions for the continued use of the unpublished report, to which Langan responded that it would have been "unethical to conceal the killing of a valid piece of journalism . . .." [116]

Another veteran journalist, **Ronson Chan Ron-sing,** chair of the Hong Kong Journalists Association, was arrested at a homeowners' meeting that Chan was covering, on the charge of "obstructing a police officer" after he failed to produce his identification card as demanded by a police officer.[117] Chan cited privacy concerns, referencing a 2019 incident where a police officer displayed Chan's ID card on a livestream video, thereby disclosing Chan's personal information.[118]

Censorship

The Hong Kong government directly or indirectly censored media content and restricted the manner of media distribution, including the following examples:

- Ahead of a bookfair scheduled for July 2022, the applications of at least three vendors that sold politically sensitive books were denied in an opaque approval process.[119] The bookfair was organized by Hong Kong Trade Development Council, a statutory body created to promote trade in Hong Kong, which said "the books displayed were not vetted in advance but vendors were legally responsible for what they sold." [120] These vendors also expressed difficulty in finding alternative venues and printers willing to print their publications.[121]
- After the Film Censorship Ordinance was amended in November 2021 to provide for national security as a basis for censorship,[122] Hong Kong authorities applied the law to censor films for political content.[123] For example, the Office for Film, Newspaper and Article Administration demanded that a half-second scene showing the 2014 Umbrella Movement be cut as a condition for a film to be released.[124] As of August 2022, authorities had denied permission to release or demanded redactions in at least 10 films.[125] In October, authorities similarly demanded redactions in three films produced in Taiwan but declined to disclose the basis of their decision.[126] While the films were non-political, they reportedly showed the flag of the

Republic of China (Taiwan), a protest scene, and dialogue that referred to "the Republic of China." [127]

- According to a government report released in April 2023, the Leisure and Cultural Services Department has been reviewing library holdings since 2021, removing books that it deems to be "disadvantageous to national security." [128] Four investigative journalists reported that Hong Kong libraries had 468 titles concerning political figures or political content as of the end of 2020, but a tally done in May 2023 showed that 195 of those titles had been removed, an almost 42 percent drop over two years.[129]
- In May 2023, Hong Kong newspaper Ming Pao terminated a political satire cartoon series by Zunzi (pen name of Wong Kei-kwan) that had been running for four decades.[130] Ming Pao's decision came after Zunzi's cartoons had been repeatedly criticized by government officials.[131] Secretary for Security Tang Ping-keung expressed agreement with the decision, saying that the newspaper should not let itself be used to mislead the public or "to incite dissatisfaction towards the government," [132] phrasing that resembles that of the criminal offense of seditious intention.[133]

Macau

The U.N. Human Rights Committee reviewed Macau's compliance with the International Covenant on Civil and Political Rights (ICCPR) and adopted its concluding observations in July 2022.[134] The Committee noted with concern the lack of legal safeguards against police abuse of surveillance, the harassment of journalists, the suppression of display of political messages, and undue restrictions on peaceful assembly.[135] The Committee further expressed serious concern that the Electoral Affairs Commission in 2021 disqualified 21 candidates from the Legislative Assembly election due to their perceived disloyalty to the government, relying on surveillance records obtained without the candidates' knowledge.[136] The concluding observations likewise pointed out that the Macau government invoked "national security" in ways that undermined judicial independence and other substantive rights.[137]

In August 2022, the government proposed to amend the Law on Safeguarding National Security, expanding its scope to cover nonviolent acts and people outside of Macau, including those who are not residents of Macau.[138] The government also proposed applying the law to any "organization or group," expanding beyond the political organizations and groups subject to the existing law.[139] Observers expressed concern that the amended law would be arbitrarily applied to speech and would criminalize contact with nongovernmental organizations.[140]

Notes to Chapter 19—Hong Kong and Macau

[1] Logan Wright, Atlantic Council, "Fractured Foundations: Assessing Risks to Hong Kong's Business Environment," March 7, 2023.

[2] "Hong Kong's New Leader Says Rule of Law Is a Fundamental Value for City," *Reuters,* June 30, 2022; "Hong Kong's Lee Lauds Order after 'Chaos' in Sales Pitch for City," *Al Jazeera,* October 19, 2022.

[3] U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th meeting (July 22, 2022), CCPR/C/CHN–HKG/CO/4, November 11, 2022; U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th Meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023.

[4] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted by the Committee at its 30th meeting (3 March 2023), E/C.12/CHN/CO/3, March 22, 2023, para. 100.

[5] U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th meeting (July 22, 2022), CCPR/C/CHN–HKG/CO/4, November 11, 2022, paras. 14–16.

[6] U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th meeting (July 22, 2022), CCPR/C/CHN–HKG/CO/4, November 11, 2022, para. 13.

[7] Eric Lai, "UN Human Rights Committee Criticizes Rulings of Hong Kong's Top Court," *Diplomat,* July 29, 2022; U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th meeting (July 22, 2022), CCPR/C/CHN–HKG/CO/4, November 11, 2022, paras. 15, 17, 35.

[8] U.N. Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report of China, Including Hong Kong, China, and Macao, China, adopted at the Committee's 30th meeting (March 3, 2023), E/C.12/CHN/CO/3, March 22, 2023, paras. 126, 128.

[9] Hong Kong SAR Government, "HKSAR Government Strongly Objects to Unfair Criticisms from UN Human Rights Committee," July 27, 2022; Hong Kong SAR Government, "HKSAR Government Strongly Objects to Unfounded and Misleading Concluding Observations of UN Committee on Economic, Social and Cultural Rights," March 7, 2023.

[10] "Zhonggong Zhongyang Guowuyuan yinfa 'Dang he guojia jigou gaige fang'an'" [Party Central Committee and State Council issues "Institutional reform plan of the Party and state agencies"], *Xinhua,* March 16, 2023, sec. 1(5); Oasis Hu and Xi Tianqi, "Decision to Set Up New HK, Macao Work Office Receives Wide Support," *China Daily,* March 17, 2023.

[11] Yang Liu and Xinyi Zhang, "How Does the CPC Rule China? A Technical Look," *Beijing Channel,* February 8, 2023.

[12] Gao Feng, "Gang Ao Ban gai Zhonggong zhishu jigou, Dang guan Xianggang zhongji mubiao 'Yi Guo Yi Zhi?" [Hong Kong and Macao Office becomes an entity directly under the Chinese Communist Party; is the ultimate goal of Party governing Hong Kong "One Country, One System"?], *Voice of America,* March 17, 2023.

[13] Hong Kong SAR Government, "Govt Unveils DC Reform Plans," May 2, 2023.

[14] *District Councils Ordinance* (Cap. 547), sec. 61.

[15] Hong Kong SAR Government, "Govt Unveils DC Reform Plans," May 2, 2023; "'Revamp of District Councils Has to Put Hong Kong Back on Track," editorial, *South China Morning Post,* May 4, 2023; "Hong Kong Reduces Directly-Elected Seats in District Polls," *Al Jazeera,* May 3, 2023.

[16] Hong Kong SAR Government, "Govt Unveils DC Reform Plans," May 2, 2023; "Revamp of District Councils Has to Put Hong Kong Back on Track," editorial, *South China Morning Post,* May 4, 2023.

[17] Hong Kong SAR Government, "Govt Unveils DC Reform Plans," May 2, 2023; "Revamp of District Councils Has to Put Hong Kong Back on Track," editorial, *South China Morning Post,* May 4, 2023.

[18] "Hong Kong Reduces Directly-Elected Seats in District Polls," *Al Jazeera,* May 3, 2023; Hong Kong SAR Government, "Govt Unveils DC Reform Plans," May 2, 2023.

[19] Hillary Leung, "Hong Kong District Council Reform 'Destroys Final Bastion of Democracy,' Paul Zimmerman Says, Will Not Stand Again," *Hong Kong Free Press,* May 8, 2023; "Beijing Is Destroying the Last Vestiges of Democracy in Hong Kong," editorial, *Washington Post,* May 7, 2023.

[20] "Hong Kong's Largest National Security Trial to Begin with 47 in Dock," *Agence France-Presse,* reprinted in France 24, February 3, 2023; High Court of Hong Kong SAR, Court of First Instance, *Tong Ying Kit* v *HKSAR,* HCAL 1601/2020, [2020] HKCFI 2133, August 21, 2020, para. 40; Samuel Bickett, "The Court of Final Appeal Must End Indefinite Pre-Trial Detentions," *Samuel Bickett on Hong Kong Law & Policy,* January 13, 2022; Samuel Bickett, "The Hong Kong 47 Committed No Crime . . . So Why Are So Many of Them Pleading Guilty?," *Samuel Bickett on Hong Kong Law & Policy,* August 20, 2022; U.N. Human Rights Committee, Concluding Observations on the Fourth Periodic Report of Hong Kong, China, adopted by the Committee at its 3912th meeting (July 22, 2022), CCPR/C/CHN–HKG/CO/4, November 11, 2022.

[21] Court of Final Appeal of Hong Kong SAR, *HKSAR* v *Ng Hau Yi Sidney,* FAMC No. 32 of 2021, [2021] HKCFA 42, December 14, 2021, paras. 27, 29.

[22] Kelly Ho, "5 Hong Kong Speech Therapists Jailed for 19 Months Each for Sedition over Children's Books," *Hong Kong Free Press,* September 10, 2022.

[23] Human Rights Watch, "Hong Kong: Children's Book Authors Convicted," September 7, 2022.

[24] District Court of Hong Kong SAR, *HKSAR* v *Lai Man-ling and others,* DCCC 854/2021, [2022] HKDC 1004, September 10, 2022, para. 30.

[25] District Court of Hong Kong SAR, *HKSAR* v *Lai Man-ling and others,* DCCC 854/2021, [2022] HKDC 1004, September 10, 2022, paras. 30, 39.
[26] Samuel Bickett, "How Kwok Wai-Kin Rose from Disgrace to Become a Powerful National Security Judge (Part 1)," *Samuel Bickett on Hong Kong Law & Policy,* March 6, 2023.
[27] Kelly Ho, "Hong Kong Protester 'Captain America 2.0' Wins Appeal against National Security Sentence, Jail Time Reduced to 5 Years," *Hong Kong Free Press,* August 3, 2022.
[28] High Court of Hong Kong SAR, Court of Appeal, *HKSAR* v *Ma Chun Man,* CACC 272/2021, [2022] HKCA 1151, August 3, 2022, paras. 95, 99.
[29] Lea Mok, "Hong Kong Journalists Plead Not Guilty to Sedition as Trial against Defunct Outlet Stand News Begins," *Hong Kong Free Press,* October 31, 2022.
[30] Lea Mok, "Hong Kong Journalists Plead Not Guilty to Sedition as Trial against Defunct Outlet Stand News Begins," *Hong Kong Free Press,* October 31, 2022.
[31] Lea Mok, "Hong Kong Journalists Plead Not Guilty to Sedition as Trial against Defunct Outlet Stand News Begins," *Hong Kong Free Press,* October 31, 2022.
[32] Lea Mok, "Sedition Trial against Hong Kong Outlet Stand News Adjourned Again after Prosecution Submits New Documents," *Hong Kong Free Press,* February 3, 2023; Samuel Bickett, "How Kwok Wai-Kin Rose from Disgrace to Become a Powerful National Security Judge (Part 1)," *Samuel Bickett on Hong Kong Law & Policy,* March 6, 2023.
[33] Lea Mok, "Sedition Trial against Hong Kong Outlet Stand News Adjourned Again after Prosecution Submits New Documents," *Hong Kong Free Press,* February 3, 2023; Lea Mok, "Hong Kong Journalists Plead Not Guilty to Sedition as Trial against Defunct Outlet Stand News Begins," *Hong Kong Free Press,* October 31, 2022.
[34] Candice Chau, "National Security Trial of Hong Kong Media Tycoon Jimmy Lai Estimated to Take 83 Days," *Hong Kong Free Press,* May 30, 2023.
[35] Kanis Leung, "Hong Kong Court Rejects Publisher Jimmy Lai's Bid to Terminate His National Security Trial," *Associated Press,* May 29, 2023.
[36] Kanis Leung, "Hong Kong Court Rejects Publisher Jimmy Lai's Bid to Terminate His National Security Trial," *Associated Press,* May 29, 2023.
[37] Mumba Malila, Irene Khan, Clément Nyaletsossi Voule, Margaret Satterthwaite, and Fionnuala Ní Aoláin, "Letter from Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association; the Special Rapporteur on the Independence of Judges and Lawyers and the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, AL CHN 1/2023," March 17, 2023, 4.
[38] Civicus, "Hong Kong: Conviction of Trustees and Secretary from 612 Humanitarian Fund Another Blow to Civil Society," December 2, 2022.
[39] West Kowloon Magistrates' Courts of Hong Kong SAR, *Xianggang Tebie Xingzhengqu su Chen Rijun ji ling wu ren [HKSAR* v. *Joseph Zen and others],* WKS 4829–4834/2022, [2022] HKMagC 12, paras. 5, 80.
[40] West Kowloon Magistrates' Courts of Hong Kong SAR, Xianggang Tebie Xingzhengqu su Chen Rijun ji ling wu ren *[HKSAR* v. *Joseph Zen and others],* WKS 4829–4834/2022, [2022] HKMagC 12, paras. 5, 12, 80.
[41] West Kowloon Magistrates' Courts of Hong Kong SAR, , Xianggang Tebie Xingzhengqu su Chen Rijun ji ling wu ren *[HKSAR* v. *Joseph Zen and others],* WKS 4829–4834/2022, [2022] HKMagC 12, paras. 5, 12, 80.
[42] William Gallo and Lee Juhyun, "Pressured by China, South Korean NGO Stands Firm on Rights Award," *Voice of America,* May 12, 2023; Front Line Defenders, "Chow Hang-Tung Wins Appeal in Tiananmen Vigil Case," accessed August 15, 2023.
[43] Hong Kong SAR High Court, *Hong Kong SAR* v *Chow Hang-tung,* HCMA 51/2022, [2022] HKCFI 3692, December 14, 2022, paras. 54, 70.
[44] Hong Kong SAR Court of Final Appeals, "Forthcoming Leave Application (etc.) Hearings," accessed June 7, 2023.
[45] Chris Lau and Brian Wong, "Hong Kong National Security Trial: Prosecutors Accuse 47 Opposition Figures of Plotting to Turn Legislature into 'Lethal Constitutional Weapon' against Beijing," *South China Morning Post,* February 6, 2023.
[46] Freedom House. "Hong Kong," in Freedom in the World 2022: *The Global Expansion of Authoritarian Rule,* accessed March 2, 2023.
[47] Chris Lau and Brian Wong, "Hong Kong National Security Trial: Prosecutors Accuse 47 Opposition Figures of Plotting to Turn Legislature into 'Lethal Constitutional Weapon' against Beijing," *South China Morning Post,* February 6, 2023; "Xianggang zuida guo'an an: 47 ren chuxuan an kaishen de guanjian kandian" [Biggest national security case in Hong Kong: key points in the Hong Kong 47 case as trial commences], *Deutsche Welle,* February 6, 2023.
[48] Holmes Chan and Su Xinqi, "Hong Kong Activists Fade from View as National Security Case Drags," *Agence France-Presse,* reprinted in *Hong Kong Free Press,* April 7, 2022; K.K. Rebecca Lai, David Pierson, and Tiffany May, "The 47 Pro-Democracy Figures in Hong Kong's Largest National Security Trial," *New York Times,* February 6, 2023.
[49] "Dozens Arrested in Hong Kong on Tiananmen Crackdown Anniversary," *Al Jazeera,* June 5, 2023.
[50] "Dozens Arrested in Hong Kong on Tiananmen Crackdown Anniversary," *Al Jazeera,* June 5, 2023; "Hong Kong Police Arrest Pro-Democracy Figures on Tiananmen Square Anniversary," *Guardian,* June 4, 2023.
[51] "Dozens Arrested in Hong Kong on Tiananmen Crackdown Anniversary," *Al Jazeera,* June 5, 2023; "Hong Kong Police Arrest Pro-Democracy Figures on Tiananmen Square Anniversary," *Guardian,* June 4, 2023.
[52] U.N. High Commissioner for Human Rights (@UNHumanRights), "We are alarmed by reports of detentions in #HKSAR linked to June 4 anniversary . . .," Twitter, June 4, 2023, 1:49

p.m.; "Dozens Arrested in Hong Kong on Tiananmen Crackdown Anniversary," *Al Jazeera,* June 5, 2023.
[53] Shibani Mahtani, "Hong Kong Prisons Work to Compel Loyalty to China among Young Activists," *Washington Post,* June 8, 2023.
[54] Shibani Mahtani, "Hong Kong Prisons Work to Compel Loyalty to China among Young Activists," *Washington Post,* June 8, 2023.
[55] Shibani Mahtani, "Hong Kong Prisons Work to Compel Loyalty to China among Young Activists," *Washington Post,* June 8, 2023.
[56] Shibani Mahtani, "Hong Kong Prisons Work to Compel Loyalty to China among Young Activists," *Washington Post,* June 8, 2023.
[57] Shibani Mahtani, "Hong Kong Prisons Work to Compel Loyalty to China among Young Activists," *Washington Post,* June 8, 2023.
[58] Shibani Mahtani, "Hong Kong Prisons Work to Compel Loyalty to China among Young Activists," *Washington Post,* June 8, 2023.
[59] Samuel Bickett (@SamuelBickett), "The 'patriotic' brainwashing in Hong Kong's prisons, especially for juveniles, has escalated drastically since I was in prison in 2021–22, and since reports just a few months ago that these sessions amounted to form filling ...." Twitter, June 9, 2023, 4:43 p.m.
[60] Pak Yiu, "Overseas Hong Kongers Fear Long Reach of National Security Law," *Nikkei,* April 21, 2023.
[61] Hong Kong SAR Government, "Security Bureau Severely Condemns Some Persons Suspected of Breaching National Security Law," August 3, 2022; Candice Chau, "Activists behind Exiled Hong Kong 'Parliament' Plan Suspected of Subversion, Security Bureau Says," *Hong Kong Free Press,* August 3, 2022.
[62] Candice Chau, "Activists behind Exiled Hong Kong 'Parliament' Plan Suspected of Subversion, Security Bureau Says," *Hong Kong Free Press,* August 3, 2022; Hong Kong SAR Government, "Security Bureau Severely Condemns Some Persons Suspected of Breaching National Security Law," August 3, 2022.
[63] Almond Li, "Hong Kong Lawmaker Takes Out Newspaper Ad to Disown Pro-Democracy Father-in-Law Accused of Subversion," *Hong Kong Free Press,* August 5, 2022.
[64] Brian Wong, "Hongkonger Who Returned to Look After Ill Mum Denied Bail on National Security Grounds for Allegedly Seditious Posts," *South China Morning Post,* November 3, 2022; Xiao Jingyuan, "You Ying qianfan Gang mou 'du' 'Xianggang Duli Dang' toumu luowang" [Head of "Hong Kong Independence Party" arrested after secretly returning to Hong Kong from England to conspire to promote "independence"], *Wen Wei Po,* November 3, 2022.
[65] Xiao Jingyuan, "You Ying qianfan Gang mou 'du' 'Xianggang Duli Dang' toumu luowang" [Head of "Hong Kong Independence Party" arrested after secretly returning to Hong Kong from England to conspire to promote "independence"], *Wen Wei Po,* November 3, 2022.
[66] Pak Yiu, "Overseas Hong Kongers Fear Long Reach of National Security Law," *Nikkei,* April 21, 2023.
[67] Pak Yiu, "Overseas Hong Kongers Fear Long Reach of National Security Law," *Nikkei,* April 21, 2023.
[68] Peter Lee, "Japan Voices Concern after Hong Kong Student Arrested over Speech Whilst Abroad; Beijing Blasts 'Intervention,'" *Hong Kong Free Press,* April 28, 2023; Office of the Commissioner of the Ministry of Foreign Affairs of the Poeple's Republic of China in the Hong Kong Special Administrative Region, "Waijiaobu zhu Gang Gongshu duanchu Ri fang tingzhi lingren buchi de zhengzhi biaoyan" [Office of the Ministry of Foreign Affairs in Hong Kong urges Japan to stop disdainful political show], April 27, 2023.
[69] *Secretary for Justice* v *Timothy Wynn Owen KC, Bar Council of the Hong Kong Bar Association,* FAMV No. 591 of 2022, [2022] HKCFA 23, November 28, 2022, para. 1.
[70] *Legal Practitioners Ordinance* (Cap. 159), sec. 27(4).
[71] *Secretary for Justice* v *Timothy Wynn Owen KC, Bar Council of the Hong Kong Bar Association,* FAMV No. 591 of 2022, [2022] HKCFA 23, November 28, 2022, para. 9.
[72] *Secretary for Justice* v *Timothy Wynn Owen KC, Bar Council of the Hong Kong Bar Association,* FAMV No. 591 of 2022, [2022] HKCFA 23, November 28, 2022, paras. 6, 34.
[73] Hong Kong SAR Government, "Statement by Chief Executive on Submitting Report to CPG on National Security Law and Recommendation to Request Interpretation of National Security Law from NPCSC," November 28, 2022.
[74] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 65; Candice Chau, "Explainer: Beijing's First Interpretation of Hong Kong's National Security Law," *Hong Kong Free Press,* January 8, 2023.
[75] *Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui guanyu "Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa" Di Shisi Tiao he Sishiqi Tiao de Jieshi* [Interpretation by the National People's Congress Standing Committee Concerning Article 14 and Article 47 of the "PRC Law on Safeguarding National Security in the Hong Kong Special Administrative Region"], passed December 30, 2022; *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 12.
[76] Hong Kong SAR Government, "Lawyers Bill to Be Tabled," March 21, 2023.
[77] Cannix Yau and Kahon Chan, "Hong Kong National Security Law: City Leader Won't Offer Explanation if Foreign Lawyers Barred from Trials, Justice Minister Says," *South China Morning Post,* April 8, 2023.
[78] Ben Rigby, "Beijing Overrules Hong Kong Courts to Allow Authorities to Bar British Barristers from Security Law Trials," *Global Legal Post,* January 3, 2023; Dennis W.H. Kwok, "The Case of Jimmy Lai Shows: Beijing Makes the Rules in Hongkong," Friedrich Naumann Founda-

tion for Freedom, February 17, 2023; Sophie Reiβ, "More Bad News for What's Left of Hong Kong's Rule of Law," MERICS, February 3, 2023.
[79] Jessie Pang, "Hong Kong Restricts Foreign Lawyers from National Security Cases," *Reuters,* May 10, 2023.
[80] James Pomfret, Greg Torode, Anne Marie Roantree, and David Lague, "Lawyers Exit Hong Kong as They Face Campaign of Intimidation," *Reuters,* December 29, 2022.
[81] James Pomfret, Greg Torode, Anne Marie Roantree, and David Lague, "Lawyers Exit Hong Kong as They Face Campaign of Intimidation," *Reuters,* December 29, 2022.
[82] James Pomfret, Greg Torode, Anne Marie Roantree, and David Lague, "Lawyers Exit Hong Kong as They Face Campaign of Intimidation," *Reuters,* December 29, 2022.
[83] James Pomfret, Greg Torode, Anne Marie Roantree, and David Lague, "Lawyers Exit Hong Kong as They Face Campaign of Intimidation," *Reuters,* December 29, 2022.
[84] James Pomfret, Greg Torode, Anne Marie Roantree, and David Lague, "Lawyers Exit Hong Kong as They Face Campaign of Intimidation," *Reuters,* December 29, 2022; Greg Torode and James Pomfret, "Ex-Chief of Hong Kong Barristers Says He Left City after Police Interview," *Reuters,* March 2, 2022.
[85] James Pomfret, Greg Torode, Anne Marie Roantree, and David Lague, "Lawyers Exit Hong Kong as They Face Campaign of Intimidation," *Reuters,* December 29, 2022.
[86] Hong Kong SAR Government, "The Chief Executive's 2022 Policy Address," October 19, 2022, secs. 82, 123(ii).
[87] Education Bureau, Hong Kong SAR Government, "Education Bureau Circular No. 13/202; Requirement for Newly-appointed Teachers to Pass the Basic Law and National Security Law Test," EDB(TPDSD)/3/1 C, October 24, 2022, paras. 3, 4; Hong Kong SAR Government, "The Chief Executive's 2022 Policy Address," October 19, 2022, sec. 125(ii).
[88] Chen Zifei and Lee Yuk Yue, "Hong Kong Teachers Told to Inform on Students, Colleagues in Free Speech Crackdown," *Radio Free Asia,* December 21, 2022.
[89] Education Bureau, Hong Kong SAR Government, "Guidelines on Teachers' Professional Conduct," 2022, 4; Henry Ho, "EDB's Guidelines on Teachers' Conduct Are Timely, Necessary," editorial, *China Daily,* December 23, 2022.
[90] Education Bureau, Hong Kong SAR Government, "Guidelines on Teachers' Professional Conduct," 2022, 8, 9.
[91] "Xianggang Jiaoyuju tui 'Jiaoshi Zhuanye Caoshou Zhiyin' ketang huo shejiao pingtai buke suibian ti 'Liusi Shijian'" [Hong Kong Education Bureau to issue "Guidelines on Teachers' Professional Conduct"; "June Fourth Incident" may not be casually mentioned], *Radio Free Asia,* November 2, 2022.
[92] Chen Zifei and Lee Yuk Yue, "Hong Kong Teachers Told to Inform on Students, Colleagues in Free Speech Crackdown," *Radio Free Asia,* December 21, 2022.
[93] Chen Zifei and Lee Yuk Yue, "Hong Kong Teachers Told to Inform on Students, Colleagues in Free Speech Crackdown," *Radio Free Asia,* December 21, 2022.
[94] Peter Lee, "'Core Values,' Including Democracy, Dropped from Hong Kong's New Junior Secondary School Curriculum," *Hong Kong Free Press,* October 14, 2022.
[95] Peter Lee, "'Core Values,' Including Democracy, Dropped from Hong Kong's New Junior Secondary School Curriculum," *Hong Kong Free Press,* October 14, 2022.
[96] Hoi Man Wu, Cheryl Tung, and Chen Zifei, "Hong Kong University Requires Students to Take 'National Security Education' Class," *Radio Free Asia,* July 26, 2022.
[97] Hoi Man Wu, Cheryl Tung, and Chen Zifei, "Hong Kong University Requires Students to Take 'National Security Education' Class," *Radio Free Asia,* July 26, 2022.
[98] Candice Chau and Marie Bröckling, "Exclusive: University of Hong Kong Makes Library Users Register to Access Some Politically Sensitive Books," *Hong Kong Free Press,* October 31, 2022.
[99] Yojana Sharma, "Exodus of University Students and Professors Continues," *University World News,* January 24, 2023.
[100] Yojana Sharma, "Exodus of University Students and Professors Continues," *University World News,* January 24, 2023.
[101] Yojana Sharma, "Exodus of University Students and Professors Continues," *University World News,* January 24, 2023.
[102] Candice Chau, "Over 900 Hong Kong Civil Servants Quit in 3 Months in 2022, Gov't Document Reveals," *Hong Kong Free Press,* January 13, 2023.
[103] Tony Cheung, "Doctors, Nurses Have Social Duty to Make Sacrifices for City, Hong Kong Leader Says on Plan to Fight Shortfall with Forced Service Period in Public Sector," *South China Morning Post,* November 8, 2022; Lu Yingshan and Lao Xianliang, "01 Zhuanfang Lu Chongmou: Xia yue Yingguo qiang rencai duanqi ji zhao baiming haiwai yisheng zan de shiduo ren" [01 Interview with Lo Chung-mau: Traveling to England next month to find talents; expected to recruit one hundred overseas doctors but only has 10 or so right now], *HK01,* March 4, 2023.
[104] Martin Lee, "Why Is the HK Public Hospital System on the Brink of Collapse?" *Pacific Prime Hong Kong,* May 4, 2023.
[105] Hong Kong SAR Government, "The Chief Executive's 2022 Policy Address," October 19, 2022, para. 84.
[106] Tony Cheung, "Doctors, Nurses Have Social Duty to Make Sacrifices for City, Hong Kong Leader Says on Plan to Fight Shortfall with Forced Service Period in Public Sector," *South China Morning Post,* November 8, 2022.
[107] Lu Yingshan and Lao Xianliang, "01 Zhuanfang Lu Chongmou: Xia yue Yingguo qiang rencai duanqi ji zhao baiming haiwai yisheng zan de shiduo ren" [01 Interview with Lo Chung-mau: Traveling to England next month to find talents; expected to recruit one hundred overseas doctors but only has 10 or so right now], *HK01,* March 4, 2023.
[108] Dong Shuyue, "Gangguan fu Ying quan yisheng huiliu yikesheng: Xianggang zhi you qian Yingguo jiao ziyou" [Hong Kong official travels to England to persuade doctors to return; med-

ical student: Hong Kong only has money, England offers more freedom], *Radio Free Asia,* April 4, 2023.
[109] Dong Shuyue, "Gangguan fu Ying quan yisheng huiliu yikesheng: Xianggang zhi you qian Yingguo jiao ziyou" [Hong Kong official travels to England to persuade doctors to return; medical student: Hong Kong only has money, England offers more freedom], *Radio Free Asia,* April 4, 2023.
[110] International Federation of Journalists, "The Story That Won't Be Silenced: Hong Kong Freedom of Expression Report 2021/22," October 2022, 4.
[111] International Federation of Journalists, "The Story That Won't Be Silenced: Hong Kong Freedom of Expression Report 2021/22," October 2022, 3; Tom Grundy, "Ex-Editor Who Quit after Xinjiang Story Axed Dismisses SCMP Letter Warning of 'Further Action' if He Publishes It," *Hong Kong Free Press,* October 28, 2022.
[112] International Federation of Journalists, "The Story That Won't Be Silenced: Hong Kong Freedom of Expression Report 2021/22," October 2022, 13, 39.
[113] International Federation of Journalists, "The Story That Won't Be Silenced: Hong Kong Freedom of Expression Report 2021/22," October 2022, 34.
[114] Tom Grundy, "Team of Journalists Resigned after SCMP Axed 3-Part Series on Xinjiang Abuses, Ex-Editor Says," *Hong Kong Free Press,* October 25, 2022.
[115] Tom Grundy, "Team of Journalists Resigned after SCMP Axed 3-Part Series on Xinjiang Abuses, Ex-Editor Says," *Hong Kong Free Press,* October 25, 2022.
[116] Tom Grundy, "Ex-Editor Who Quit after Xinjiang Story Axed Dismisses SCMP Letter Warning of 'Further Action' if He Publishes It," *Hong Kong Free Press,* October 28, 2022.
[117] Hillary Leung, "Hong Kong Press Group Chief Ronson Chan Feared Privacy Breach When Asked for ID by Police, Court Hears," *Hong Kong Free Press,* June 13, 2023; "Hong Kong Journalist Group Chief Ronson Chan Pleads Not Guilty to Obstructing Police Officers While Reporting," *The Standard,* May 16, 2023.
[118] Hillary Leung, "Hong Kong Press Group Chief Ronson Chan Feared Privacy Breach When Asked for ID by Police, Court Hears," *Hong Kong Free Press,* June 13, 2023.
[119] Sum Lok-Kei, "Hong Kong Publishers Excluded from Book Fair over Politically Sensitive Material," *Guardian,* July 22, 2022.
[120] Sum Lok-Kei, "Hong Kong Publishers Excluded from Book Fair over Politically Sensitive Material," *Guardian,* July 22, 2022.
[121] Sum Lok-Kei, "Hong Kong Publishers Excluded from Book Fair over Politically Sensitive Material," *Guardian,* July 22, 2022.
[122] Film Censorship Ordinance (Cap. 392), sec. 10; Hong Kong SAR Government, "Film Censorship Rules Gazetted," November 5, 2021.
[123] "Guoqu yinian zui 'weixian' de Xianggang dianying men: Baiban ziwo shencha, ye nabudao yizhang yingzheng?" [The most "dangerous" Hong Kong films in the past year: Cannot obtain permission to release film despite all kinds of self-censorship?], *Initium,* January 3, 2023.
[124] "[Guo'an shidai] Gang Jinmajiang duanpian 'Anfang Yekong' yin banmiao huamian beiju zaici gongying zhijin yu 10 dianying tonglei qingkuang" [[The age of national security] Short film that won the Hong Kong Golden Horse Award "Losing Sight of a Longed Place" was denied another release due to a half-second scene; at least 10 films suffered similar fate], *Radio Free Asia,* August 11, 2022.
[125] "[Guo'an shidai] Gang Jinmajiang duanpian 'Anfang Yekong' yin banmiao huamian beiju zaici gongying zhijin yu 10 dianying tonglei qingkuang" [The age of national security] Short film that won the Hong Kong Golden Horse Award "Losing Sight of a Longed Place" was denied another release due to a half-second scene; at least 10 films suffered similar fate," *Radio Free Asia,* August 11, 2022.
[126] Li Chengxin, "Xianggang dianying shencha: Sanbu Taiwan pian beipo cheying, zhengzhi hongxian shifou 'huidao wushi niandai'" [Film censorship in Hong Kong: Three Taiwanese films forced to give up showing, has political red line "returned to the fifties"], *BBC,* October 31, 2022.
[127] Li Chengxin, "Xianggang dianying shencha: Sanbu Taiwan pian beipo cheying, zhengzhi hongxian shifou 'huidao wushi niandai'" [Film censorship in Hong Kong: Three Taiwanese films forced to give up showing, has political red line "returned to the fifties"], *BBC,* October 31, 2022.
[128] Audit Commission, "Gonggang tushuguan de guanli" [Management of public libraries], accessed May 16, 2023, para. 9; "Shenji baogao/Tushuguan fang du youze ruan duikang burong qingshi" [Audit Commission Report: Libraries have a duty to prevent calls for Hong Kong independence; soft resistance cannot be treated lightly], *Ta Kung Pao,* April 27, 2023.
[129] Zheng Luming, Chen Yiying, Shi Jinyu, and Lin Li, "Shenji chu huguo'an hou tushuguan duo xiang zuopin xiajia tongji: She zhengzhi ziliao liangnian shao sicheng Tang Jiahua: Yi jieshi zhunze buying shuibian shencha" [After Audit Commission calls for protecting national security, many titles have been taken down from libraries: materials with political content dropped by 40 percent in two years; Ronny Tong: The government should interpret the standard and should not arbitrarily censor books], *Ming Pao,* May 15, 2023.
[130] Verna Yu, "Hong Kong Political Cartoonist Axed after 40 Years Following Criticism from Officials," *Guardian,* May 11, 2023.
[131] Verna Yu, "Hong Kong Political Cartoonist Axed after 40 Years Following Criticism from Officials," *Guardian,* May 11, 2023.
[132] Verna Yu, "Hong Kong Political Cartoonist Axed after 40 Years Following Criticism from Officials," *Guardian,* May 11, 2023.
[133] *Crimes Ordinance* (Cap. 200), sec. 9(1).
[134] U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN–MAC/CO/2, November 11, 2022.
[135] U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN–MAC/CO/2, November 11, 2022, paras. 32, 34, 38.

[136] U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN–MAC/CO/2, November 11, 2022, para. 42.
[137] U.N. Human Rights Committee, Concluding Observations on the Second Periodic Report of Macao, China, adopted by the Committee at its 3912th meeting (22 July 2022), CCPR/C/CHN–MAC/CO/2, November 11, 2022, paras. 30, 34, 40.
[138] Macau SAR Government, "Aomen Tebie Xingzhengqu xiugai 'Weihu Guojia Anquan Fa' zixun wenben," [Consultation document for amending the "Law on Safeguarding National Security" by the Macau SAR Government], 2022, secs. 2.1, 2.2, 2.7.
[139] Macau SAR Government, "Aomen Tebie Xingzhengqu xiugai 'Weihu Guojia Anquan Fa' zixun wenben," [Consultation document for amending the "Law on Safeguarding National Security" by the Macau SAR Government], 2022, sec. 2.5.
[140] Gao Feng, "Aomen ni xiuding Guo'an Fa yu Xianggang kanqi feibaoli xingwei ke goucheng fenlei guojia zui" [Macau proposes to amend the National Security Law to catch up with Hong Kong; non-violent conduct may constitute secession], *Voice of America,* August 24, 2022.

XII. Human Rights Violations in the U.S. and Globally

HUMAN RIGHTS VIOLATIONS IN THE U.S. AND GLOBALLY

Findings

• The People's Republic of China (PRC) continued a multifaceted campaign of transnational repression against critics, Uyghurs, Hong Kongers, and others to stifle criticism and enhance control over emigrant and diaspora communities. After engaging in China-related protests abroad, some individuals experienced reprisal from Chinese authorities, intimidation or harassment from unidentified individuals, or self-censorship due to fear of reprisal. Authorities in the United States reported criminal charges against or arrested several groups and individuals involved in such PRC-led transnational repression plots.
• Prompted by reporting from the international nongovernmental organization (NGO) Safeguard Defenders this past year, governments, international media, and NGOs investigated extraterritorial Chinese police stations, also known as "service stations," around the globe with reported connections to Chinese law enforcement authorities. Reporting also detailed some of the "service stations'" activities, including persuading alleged criminal suspects to return to China.
• The Commission observed reports that the PRC is targeting foreign politicians to influence them to support the Chinese Communist Party. This past year, former Solomon Islands provincial Premier Daniel Suidani claimed he was ousted from his post due to PRC political influence operations, while Canadian intelligence officials announced they had evidence of PRC influence operations targeting Canadian policymakers Michael Chong, Jenny Kwan, and Erin O'Toole.
• Chinese-owned companies and banks responsible for foreign development projects continued allowing abusive conditions for workers abroad. This past year, multiple reports detailed forced labor conditions for workers in Belt and Road Initiative (BRI) and non-BRI Chinese projects abroad, including physical and sexual violence, withholding of wages, and debt bondage.
• Chinese authorities continued to attempt to influence U.N. processes, including efforts to prevent the publication of the Office of the U.N. High Commissioner for Human Rights' report on human rights violations in the Xinjiang Uyghur Autonomous Region (XUAR) and Chinese Communist Party- and government-affiliated NGOs monopolizing time dedicated to civil society organizations during the review of the Convention on the Elimination of All Forms of Discrimination against Women in May 2023.

Recommendations

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

- Prepare a comprehensive strategy against China's transnational repression within the U.S. and globally, including addressing "service stations" connected to PRC law enforcement. This may include identifying and protecting individuals likely to be targeted, sharing intelligence among appropriate law enforcement entities, and imposing sanctions on perpetrators and enablers of these coercive operations.
- Consider legislation on accountability measures, such as sanctions, against foreign government officials who return individuals to the PRC where they are at risk of torture and other human rights abuses in violation of the principle of non-refoulement.
- Show support to foreign political leaders and government officials who have been targeted by the Chinese government in retaliation for speaking out against the PRC's human rights abuses. This may include providing platforms for these individuals to speak about their experiences to increase awareness of the PRC's use of political coercion or working closely with them to coordinate appropriate responses to China.
- Call on the host governments of Chinese foreign development projects and the United Nations to insist that Chinese entities provide increased transparency in their development projects abroad. This might include publication of rigorous environmental, social, and governance risk assessments; detailed data regarding Chinese state involvement; terms of agreements for projects with state involvement; and evaluation of human rights safeguards.
- Offer alternative options for countries hosting Chinese development projects, including assistance in restructuring unfair debts with China or promotion of investment projects in which the United States may have a competitive advantage.
- Ensure broad, sustained U.S. engagement in U.N. bodies with human rights functions to ensure that these bodies can prevent further Chinese influence efforts that distort universal human rights principles. This should include putting forth qualified U.S. candidates to serve on those bodies, encouraging allies and partners to do the same with their candidates, and building coalitions to support those candidates.

Transnational Repression

During the Commission's 2023 reporting year, the People's Republic of China (PRC) continued a multi-year campaign of transnational repression to enhance control over critics, Uyghurs, Hong Kongers, and others.[1] "Transnational repression" refers to transnational efforts to stifle dissent or independent organizing within emigrant or diaspora communities.[2] Freedom House has called China's transnational repression campaign "the most sophisticated, global, and comprehensive . . . in the world."[3] In some cases, authorities harassed or intimidated the China-based relatives of overseas targets as an indirect way to compel compliance from the targets themselves,[4] a tactic referred to as "coercion by proxy."[5] Selected examples of transnational repression from this past year follow.

- **Transnational repression charges in the United States.** This past year, the U.S. Department of Justice (DOJ) criminally charged individuals connected with the PRC in transnational repression plots against individuals in the United States. This included seven individuals accused of pressuring a U.S.-based Chinese national to return to China as part of a PRC-led international extralegal repatriation effort known as "Operation Fox Hunt."[6] In another case, the DOJ charged 44 individuals in April 2023—including 40 Ministry of Public Security (MPS) officers and two officials from the Cyberspace Administration of China (CAC)—in a transnational repression scheme targeting U.S. residents in which the defendants reportedly created thousands of fake social media accounts to harass individuals "whose political views and actions are disfavored by the PRC," and worked with an employee of a U.S. telecommunications company to remove such individuals from the company's platform.[7] Finally, in May 2023, the DOJ announced the arrest of Litang Liang, a man living in Massachusetts who had allegedly been "providing PRC government officials with information on Boston-area individuals and organizations; organizing a counter-protest against pro-democracy dissidents; providing photographs of and information about dissidents to PRC government officials; and providing the names of potential recruits to the PRC's Ministry of Public Security."[8]
- **Uyghurs.** This reporting year, the Commission observed the release of multiple reports detailing new findings of Chinese transnational repression targeted at Uyghur diaspora members. In its August 2022 report on human rights conditions in the Xinjiang Uyghur Autonomous Region (XUAR), the Office of the U.N. High Commissioner for Human Rights noted the problem of coercion by proxy for Uyghur families separated across national boundaries.[9] According to that report, fear of reprisals against XUAR-based relatives is a common reason for Uyghurs to cut off communication with their family members when they or their family members live abroad.[10] As an example, the report cited one instance of a man's wife, children, and over 30 other relatives in the XUAR refusing contact with him

out of fear of reprisals.[11] In a separate report, David Tobin and Nyrola Elimä of the University of Sheffield shared further examples, including one of an anonymous Uyghur man who has received harassing phone calls and threats to him and his family by XUAR police for years, while previously living in Turkey and now the U.K.[12] [For more information about transnational repression of Uyghurs and other Turkic Muslims, see Chapter 18—Xinjiang.]

• **Lhamjab Borjigin.** PRC police took into custody the prominent Mongol writer **Lhamjab Borjigin**[13] in May 2023 at his residence in Mongolia's capital of Ulaanbaatar before forcibly returning him to his home in the Inner Mongolia Autonomous Region (IMAR) on the same day.[14] Lhamjab Borjigin has written several books on Mongolian history, and escaped "residential surveillance" in the IMAR in March 2023 to live in Mongolia and publish a new history of the suppression of Mongolian identity by the Chinese Communist Party.[15] The Mongolian government released an official statement asserting Lhamjab Borjigin left Mongolia voluntarily without any Chinese police operation, though analysts from Safeguard Defenders assert that "it appears that Mongolia had allowed the arrest to take place."[16] [For more information on the case of Lhamjab Borjigin, see Chapter 7—Ethnic Minority Rights.]

• **Mayflower Church.** Chinese state security continued to harass members of the Shenzhen Holy Reformed Church, also called the Mayflower Church,[17] who left China between 2019 and 2020 seeking religious asylum after facing intensifying government persecution.[18] After flying to Thailand from South Korea to appeal directly to the U.N. refugee agency office in Bangkok, members of the Mayflower Church reported receiving dozens of "harassing phone calls" from Chinese officials accusing them of committing national security offenses, while authorities in China interrogated and intimidated their relatives.[19] International advocacy, including by the U.S.-based Christian rights group ChinaAid Association and U.S. government agencies, led to the release of Mayflower Church members from Thai prison and their subsequent journey to the U.S. in April 2023.[20] [For more information on religious persecution in China, see Chapter 3—Freedom of Religion.]

PROTESTERS ABROAD EXPERIENCE INTIMIDATION, REPRISALS, AND CHILLING EFFECTS

This past year, international media reported cases of individuals who, after engaging in China-related protests outside of China, were subjected to reprisals from Chinese authorities, intimidation or harassment from unidentified individuals, or self-censorship due to fear of reprisals. Selected examples follow.

• **Hong Kong.** On the first day of the 20th National Congress of the Chinese Communist Party in Beijing municipality,[21] protesters outside the Chinese consulate in Manchester, United Kingdom, displayed banners that criticized Party General Secretary Xi Jinping, demanded the end of the Party, and called for Hong Kong independence.[22] A man who later identified

himself as Chinese Consul-General Zheng Xiyuan [23] kicked one banner and pushed down another, and Chinese consular staff tried to take a poster from protesters during the demonstration.[24] A violent confrontation with protesters then ensued.[25] One protester reported that individuals inside the consulate gates grabbed his hair, pulled him inside the gates, and assaulted him.[26] Following the incident, U.K. authorities reported that they had initiated an investigation.[27] In a separate case, a Hong Kong resident who had previously visited the U.K. reported that officials identifying themselves from the "national security office" summoned him upon his return to Hong Kong and warned him that his participation in recent protests in the U.K. "constitute[d] terrorist activities." [28] After issuing these threats, the officials released the man without a formal bail note, and the man left Hong Kong soon thereafter.[29] [For more information about authorities' efforts to suppress peaceful expression in connection with the 20th Party Congress, see Chapter 1—Freedom of Expression. For more information about conditions in Hong Kong, see Chapter 19—Hong Kong and Macau.]

• **Support of Peng Lifa.** Some cases were connected to displays of solidarity abroad with **Peng Lifa's** protest in Beijing municipality shortly before the 20th Party Congress.[30] Beijing authorities immediately detained Peng in October 2022 after he hung banners calling for the removal of Xi Jinping and criticizing authorities' response to COVID-19 among other demands, in calls that were subsequently echoed through social media posts and posters in China and abroad.[31] Radio Free Asia (RFA) reported that some Chinese students studying abroad posted messages in support of Peng anonymously, which a Chinese student in the U.S. told RFA was out of concern about potential reprisals against family and friends in China.[32] In one case, a Chinese national studying in Washington state reported that, after he expressed support for Peng online, police in Beijing pressured his family to convince him not to be a "traitor." [33] [For more information about Peng Lifa's protest, see Chapter 1—Freedom of Expression.]

• **Solidarity with White Paper protesters.** Diaspora communities showed solidarity with the November 2022 White Paper protests in China against harsh "zero-COVID" measures and censorship,[34] by publicly protesting in locations throughout the world. Members of the Hong Kong diaspora abroad expressed fears about using their real names or showing their faces while participating in these protests, out of concern that Hong Kong authorities might pursue them under extraterritorial provisions in Hong Kong's national security law [35] or retaliate against their friends and family back in Hong Kong.[36] [For more information about White Paper protests, see Chapter 1—Freedom of Expression, Chapter 2—Civil Society, Chapter 6—Governance, and Chapter 12—Public Health.]

Overseas Police "Service Stations"

Prompted by reporting from the international nongovernmental organization (NGO) Safeguard Defenders this past year, governments, international media, and NGOs investigated extraterritorial Chinese police stations, also known as "service stations"[37] around the globe with connections to Chinese law enforcement authorities. In September and December 2022, Safeguard Defenders reported that Chinese public security bureaus from three municipalities in Jiangsu, Fujian, and Zhejiang provinces, and one county in Zhejiang,[38] had established in total 102 such stations in at least 53 countries, with some dating back to 2016.[39] While at least one Chinese public security bureau reportedly signed bilateral agreements with some host countries in question, Safeguard Defenders reported that three other public security bureaus in China established "service stations" illegally, breaching "territorial and judicial sovereignty" of the host countries.[40] Subsequently, authorities in the United States, Austria, Canada, Chile, the Czech Republic, France, Germany, Greece, Ireland, Italy, Japan, Nigeria, Portugal, Spain, Sweden, the Netherlands, and the United Kingdom announced investigations into the existence and activities of these service stations.[41] As a result of one such investigation, the United Kingdom's Security Minister, Tom Tugendhat, reported in June 2023 that China had closed "service stations" across Britain, and that an investigation into those sites did not reveal any illegal activity by the Chinese state in the U.K.[42] Meanwhile, the U.S. Department of Justice charged two individuals in connection with "opening and operating an illegal overseas police station" in New York City "for a provincial branch of the [Ministry of Public Security] of the PRC."[43]

Reporting from this past year also provided additional details about the activities of the "service stations" over the years. Some sources reported that the "service stations" connected Chinese citizens abroad with local authorities in China—via telephone, video conference, or postal mail—to facilitate driver's license renewals, telehealth exams, and notary services, as well as dispute resolution services that included litigation and mediation.[44] Nevertheless, in at least four cases, "service stations" reportedly facilitated the "persuasion" of alleged criminal suspects to return to China from abroad, specifically from Serbia in 2018,[45] France in 2019,[46] Spain in 2020,[47] and Mozambique in 2022.[48] In July 2022, authorities from Nantong municipality, Jiangsu, reported that the "Nantong Police and Overseas Liaison stations have assisted in the capture or persuasion to return of 80 'criminal suspects' to China" from unspecified countries[49] since the "service stations" were launched in 2016.[50] "Persuasion to return" is part of broader international efforts by PRC authorities to target alleged corruption suspects, critics of government and Party officials, and members of ethnic minority emigrant and diaspora communities.[51]

TARGETING FOREIGN POLITICIANS AND GOVERNMENT OFFICIALS

This reporting year, the Commission also observed reports that the People's Republic of China (PRC) is targeting foreign politicians and government officials to influence them to support the Chinese Communist Party. Selected examples include the following:

- **Solomon Islands.** The Solomon Islands Prime Minister's office announced that China provided US$2.49 million in funds to be spent at the Prime Minister's discretion in 2021, which were subsequently distributed to 39 out of 50 members of the Solomon Islands' parliament that year.[52] These payments prompted "criticism the payments were politically motivated" because the 39 paid politicians were supporters of Prime Minister Manasseh Sogavare, who has been instrumental in developing Sino-Solomon Islands relations.[53] Moreover, former provincial Premier Daniel Suidani, a public critic of the Solomon Islands' diplomatic ties with the PRC and its corrupt practices in his province, was ousted from his seat in February 2023, and has claimed the PRC orchestrated a political operation to influence members of his government to vote for a motion of no confidence to remove him from his post.[54]
- **Canada.** Canada's intelligence agency, the Canadian Security Intelligence Service (CSIS) informed multiple Canadian politicians in May 2023 of Chinese influence operations targeted at them. The Canadian newspaper Globe and Mail revealed that, according to CSIS, Toronto-based PRC diplomat Zhao Wei had ordered the monitoring and potential intimidation of Hong Kong-based relatives of Canadian Member of Parliament (MP) Michael Chong, who previously sponsored a motion in 2021 condemning the PRC's treatment of Uyghurs as "genocide."[55] Similarly, MP Jenny Kwan stated later in May 2023 that CSIS had informed her that China had targeted her in a foreign interference campaign and that she "would continue to be a target," likely due to her activism related to human rights in Hong Kong and Uyghurs in the XUAR.[56] Canada's former Conservative Party Leader Erin O'Toole also reported that CSIS had identified PRC-organized misinformation campaigns against him in the 2021 election, reportedly because O'Toole opposed the use of Huawei technology in Canada and criticized the PRC's human rights record.[57]

Foreign Development Projects

The Commission observed multiple reports of human rights violations this past year tied to Chinese corporations' and banks' involvement in foreign development projects, including those associated with its state-sponsored Belt and Road Initiative (BRI). In November 2022, China Labor Watch (CLW), an NGO based in the U.S., detailed forced labor conditions for Chinese workers in BRI projects in multiple countries.[58] Drawing on data from correspondence with over 2,000 workers in eight countries across Asia, the Middle East, and Africa, CLW found "systematic violations of the rights of Chinese workers in BRI-affiliated projects."[59] In interviews with workers, CLW found that interviewees raised grievances that correspond to International Labor Organization indica-

tors of forced labor or human trafficking in as high as 85 percent of cases (retention of identity documents).[60] The CLW report documented issues such as predatory sub-contracting arrangements that shield companies from accountability; false advertising regarding salaries and other working conditions overseas; allowing or forcing workers to work overseas without required work visas; illegal contracting practices; passport seizures; arbitrary wage withholding and fines; surveillance, intimidation, and physical abuse at job sites; and corruption and collusion with host country authorities to suppress worker complaints.[61] In one specific case from this past year, CLW reported a variety of these issues—plus multiple worker deaths—at PT Virtue Dragon Nickel Industrial Park (the Industrial Park) in Indonesia,[62] which reportedly had investment from state-owned China First Heavy Industries.[63] In January 2023, workers at the Industrial Park reportedly went on strike in response to poor working conditions, which resulted in violent conflict between workers and security personnel and the deaths of an Indonesian worker and a Chinese worker.[64]

In addition to cases involving BRI projects, other Chinese foreign development initiatives were connected to human rights abuses as well this year. Selected examples include the following:

- **Solomon Islands stadium.** Workers at a Chinese state-funded stadium complex construction zone in the Solomon Islands spoke to the New York Times about the project's unjust labor practices.[65] Workers reported unfulfilled promises of pay, lack of any safety training, and incidents of Chinese supervisors hitting workers in the head as punishment.[66]
- **Latin America projects.** A coalition of Latin American NGOs submitted a report to the U.N. Committee on Economic, Social and Cultural Rights (CESCR) in February 2023, documenting violations of environmental and social standards in the region by companies and banks over which the PRC has effective control and jurisdiction.[67] The NGOs analyzed 14 projects led by Chinese companies or with Chinese financing, carried out in nine Latin American countries in infrastructure, energy, and extraction sectors.[68] In doing so, the group revealed "violations of the rights of indigenous peoples, the right to health, a healthy environment, water, food, housing, labor rights, and various civil and political rights," which the PRC failed to make sufficient efforts to prevent.[69]
- **Zimbabwe mining.** The U.S. Department of State's 2022 Zimbabwe Country Report on Human Rights Practices reported common themes of PRC-owned companies abusing workers in Zimbabwe.[70] Specifically, it cites reports of "physical, sexual, and emotional abuse of workers; unsafe working conditions; underpayment or nonpayment of wages; unfair dismissals; firings without notice; failure to abide by collective bargaining agreements; and failure to report health and safety incidents."[71]

Efforts to Impede U.N. Human Rights Bodies

Chinese authorities continue to make efforts to influence processes and procedures within the U.N. system to prevent public reporting of China's human rights violations to the international

community.[72] In July 2022, Reuters reported on a letter authored by Chinese authorities urging Michelle Bachelet, then the U.N. High Commissioner for Human Rights, not to publish a report on human rights concerns in the Xinjiang Uyghur Autonomous Region (XUAR), which ultimately was released by the Office of the High Commissioner for Human Rights (OHCHR) on August 31.[73] Chinese authorities reportedly circulated the draft letter for signature by other countries' authorities.[74] The Financial Times later reported that Bachelet confirmed authorities from China and other countries had contacted her directly and asked her not to publish the OHCHR report.[75] Additionally, this past year, "nongovernmental" organizations affiliated with the Chinese government and the Chinese Communist Party submitted approximately one-third of the 52 nongovernmental reports to the committee of experts who reviewed China's compliance with the Convention on the Elimination of All Forms of Discrimination in May 2023.[76] According to the International Service for Human Rights, such "nongovernmental" organizations typically echo PRC official talking points about China's self-proclaimed human rights achievements, at the same time that their participation "reduces the time and space for independent NGOs to interact" with U.N. treaty body experts.[77] [For more information about the OHCHR's report on human rights concerns in the XUAR, see Chapter 18—Xinjiang. For more information about Chinese influence efforts at the Convention on the Elimination of All Forms of Discrimination China review in May 2023, see Chapter 8—Status of Women.]

Notes to Chapter 20—Human Rights Violations in the U.S. and Globally

[1] Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression," February 2021; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 348.

[2] See, e.g., Dana M. Moss, *The Arab Spring Abroad: Diaspora Activism against Authoritarian Regimes* (Cambridge: Cambridge University Press, 2021), 5; Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression," February 2021, 1; Safeguard Defenders, "Involuntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home," January 2022, 8–9; Dana M. Moss, "Transnational Repression, Diaspora Mobilization, and the Case of the Arab Spring," *Social Problems* 63 (2016): 480–82; Federal Bureau of Investigation, "Transnational Repression," last accessed June 27, 2023; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 348.

[3] Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression," February 2021, 15.

[4] See, e.g., James T. Areddy, "China's Displeasure with a Bookseller Follows Him to Florida," *Wall Street Journal,* January 28, 2023; Mia Ping-chieh Chen, Yitong Wu, and Chingman, "Chinese Police Pressure Family of U.S.-Based Student over Support for 'Bridge Man,'" *Radio Free Asia,* October 21, 2022.

[5] Nate Schenkkan and Isabel Linzer, Freedom House, "Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression," February 2021, 2; Fiona Adamson and Gerasimos Tsourapas, Freedom House, "At Home and Abroad: Coercion-by-Proxy as a Tool of Transnational Repression," July 2020.

[6] U.S. Department of Justice, "Two Arrested and 13 Charged in Three Separate Cases for Alleged Participation in Malign Schemes in the United States on Behalf of the Government of the People's Republic of China," October 24, 2022.

[7] U.S. Department of Justice, "40 Officers of China's National Police Charged in Transnational Repression Schemes Targeting U.S. Residents," April 17, 2023.

[8] U.S. Department of Justice, "Massachusetts Man Indicted for Acting as an Illegal Agent of the People's Republic of China," May 15, 2023.

[9] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, para. 138.

[10] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, para. 135.

[11] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022, paras. 135, 138.

[12] David Tobin and Nyrola Elimä, "We Know You Better Than You Know Yourself: China's Transnational Repression of the Uyghur Diaspora," University of Sheffield, April 13, 2023, 47–50.

[13] For more information on Lhamjab Borjigin, see the Commission's Political Prisoner Database record 2019-00105 and Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 131.

[14] Massimo Introvigne, "China Kidnaps Southern Mongolian Dissident in Mongolia," *Bitter Winter,* May 15, 2023; PEN America, "PEN America Condemns China's Arrest of Exiled Mongolian Writer and Historian Lhamjab A. Borjigin," May 12, 2023; Safeguard Defenders, "Chinese Police Kidnaps Writer in Mongolia," June 12, 2023.

[15] Massimo Introvigne, "China Kidnaps Southern Mongolian Dissident in Mongolia," *Bitter Winter,* May 15, 2023; PEN America, "PEN America Condemns China's Arrest of Exiled Mongolian Writer and Historian Lhamjab A. Borjigin," May 12, 2023; Qiao Long and Sun Cheng, "Thousands Held in Inner Mongolia as Crackdown on Language Protesters Continues," *Radio Free Asia,* trans. and ed. Luisetta Mudie, October 20, 2020.

[16] Safeguard Defenders, "Chinese Police Kidnaps Writer in Mongolia," June 12, 2023.

[17] Chun Han Wong, "Chinese Christians Detained in Thailand While Seeking U.N. Protection," *Wall Street Journal,* March 31, 2023. This article explains that "American activists and politicians have described the congregation as the 'Mayflower Church,' drawing a parallel with the English pilgrims who in 1620 traveled to what was to become the U.S."

[18] Chun Han Wong and Josh Chin, "A Christian Congregation Fled Xi Jinping's China, but Escaping Control Had a Price," *Wall Street Journal*, June 2, 2021; Chun Han Wong, "Chinese Christians Detained in Thailand While Seeking U.N. Protection," *Wall Street Journal,* March 31, 2023.

[19] Tassanee Vejpongsa and Dake Kang, "Beijing Hounds Chinese Church Seeking Safety Overseas," *Associated Press*, September 7, 2022; Chun Han Wong, "Christian Church That Fled China Seeks Refugee Status from United Nations," *Wall Street Journal,* September 5, 2022.

[20] ChinaAid Association, "A Great Good Friday Reunion—Mayflower Church Lands in Texas," April 9, 2023.

[21] "Zhongguo Gongchandang Di Ershi ci Quanguo Daibiao Dahui 16 ri shangwu zai Renmin Dahui Tang kaimu Xi Jinping daibiao Di Shijiu jie Zhongyang Weiyuanhui xiang Dang de Ershi Da zuo baogao" [The 20th National Congress of the Communist Party of China opened in the Great Hall of the People on morning of the 16th; on behalf of the 19th Central Committee, Xi Jinping delivered a report to the 20th Party Congress], *Xinhua*, October 16, 2022.

[22] Adam Parker, "Chinese Consulate Attack: This Is What Really Happened," *Sky News,* October 21, 2022, 0:19–0:23, 0:55–0:57.

[23] "Chinese Consul General in Manchester Admits to Pulling Hong Kong Protester's Hair," *Radio Free Asia,* October 20, 2022; Adam Parker, "Chinese Consulate Attack: This Is What

Really Happened," *Sky News,* October 21, 2022; Inzamam Rashid, "Chinese Consul-General Defends Actions after Being Seen Pulling Protester's Hair in Manchester," *Sky News,* October 20, 2022. In images and video of the incident, a man wearing a beret and a mask can be seen pulling Chan's hair. Based on images and video of the incident, that man is the same man who emerged from the Consulate grounds, kicked a protest banner, pushed down another protest banner, and then went back inside the Consulate grounds. After the incident, during an interview with Sky News, Chinese Consul-General in Manchester Zheng Xiyuan identified himself as having pulled protester Bob Chan's hair during the incident.

[24] Adam Parker, "Chinese Consulate Attack: This Is What Really Happened," *Sky News,* October 21, 2022; "Chinese Consul General in Manchester Admits to Pulling Hong Kong Protester's Hair," *Radio Free Asia,* October 20, 2022; Lily Kuo and Vic Chiang, "Hong Kong Protester Dragged into Chinese Consulate in Manchester and Beaten," *Washington Post,* October 18, 2022.

[25] Adam Parker, "Chinese Consulate Attack: This Is What Really Happened," *Sky News,* October 21, 2022, 1:00–2:25.

[26] "Police Appeal for Video Footage after 'Absolutely Unacceptable' Attack on Protester at Chinese Consulate in Manchester," *Sky News,* October 20, 2022.

[27] Greater Manchester Police, "Investigation Underway after Assault of Man outside Chinese Consulate," October 17, 2022.

[28] Yuan Yang, "Hong Kong Activists in the UK Fear the Long Reach of Police Repression," *Financial Times,* January 6, 2023.

[29] Yuan Yang, "Hong Kong Activists in the UK Fear the Long Reach of Police Repression," *Financial Times,* January 6, 2023.

[30] Li Yuan, "China's Protest Prophet," *New York Times,* December 7, 2022; Gao Feng, "Zhongguo duo di gongmin zhuanfa 'Sitong Qiao kangyi shijian' zao jingfang koucha, shilian" [Citizens across multiple locations in China detained and questioned by police, or go missing, after reposting about the "Sitong Bridge protest"], *Radio Free Asia,* October 27, 2022; Tessa Wong, "China Congress: How One Man on a Bridge Marred Xi Jinping's Big Moment," *BBC,* October 22, 2022; Yibing Feng, "Beijing Banner Protest Ripples Outward as China Maintains Silence," *Voice of America,* October 20, 2022; "'Bridge Man' Peng Zaizhou's Mission Impossible and His 'Toolkit for the Removal of Xi Jinping,'" *China Change,* October 19, 2022; Gao Feng et al., "Beijing Banner Protester Lauded as China's New Tank Man, or 'Bridge Man,'" *Radio Free Asia,* October 14, 2022. For more information on Peng Lifa, see the Commission's Political Prisoner Database record 2022-00176.

[31] See, e.g., Gao Feng, "Zhongguo duo di gongmin zhuanfa 'Sitong Qiao kangyi shijian' zao jingfang koucha, shilian" [Citizens across multiple locations in China detained and questioned by police, or go missing, after reposting about the "Sitong Bridge protest"], *Radio Free Asia,* October 27, 2022; Tessa Wong, "China Congress: How One Man on a Bridge Marred Xi Jinping's Big Moment," *BBC,* October 21, 2022; Yibing Feng, "Beijing Banner Protest Ripples Outward as China Maintains Silence," *Voice of America,* October 20, 2022; "'Bridge Man' Peng Zaizhou's Mission Impossible and His 'Toolkit for the Removal of Xi Jinping,'" *China Change,* October 19, 2022; Gao Feng et al., "Beijing Banner Protester Lauded as China's New Tank Man, or 'Bridge Man,'" *Radio Free Asia,* October 14, 2022; Lili Pike, "'Depose the Traitorous Despot': How China's 'Bridge Man' Unleashed a Global Protest against Xi Jinping," *Messenger,* October 21, 2022; Li Yuan, "China's Protest Prophet," *New York Times,* December 7, 2022.

[32] Jenny Tang, "Overseas Solidarity with Beijing 'Bridge Man' Protest Sparks Fears of Retaliation," *Radio Free Asia,* October 19, 2022.

[33] Mia Ping-chieh Chen, Yitong Wu, and Chingman, "Chinese Police Pressure Family of U.S.-Based Student over Support for 'Bridge Man,'" *Radio Free Asia,* October 21, 2022; Chen Pinjie, "Zai Mei liuxuesheng loulian shengyuan 'Sitong Qiao yongshi' Zhongguo jingcha zhaoshang jiaren" [Student studying abroad in the United States shows face in solidarity with "Sitong Bridge man," Chinese police seek out his family], *Radio Free Asia,* October 20, 2022.

[34] Lyric Li, "China Clamps Down on 'Zero Covid' Protests, Loosens Some Pandemic Measures," *Washington Post,* November 29, 2022; Eva Rammeloo, "What Happened to the Man Who Led the Chants against Xi Jinping?," *1843, Economist,* November 29, 2022; Jessie Yeung, "China's Lockdown Protests: What You Need to Know," *CNN,* November 29, 2022.

[35] *Zhonghua Renmin Gongheguo Xianggang Tebie Xingzhengqu Weihu Guojia Anquan Fa* [PRC Law on Safeguarding National Security in the Hong Kong Special Administrative Region], passed and effective June 30, 2020, art. 38. For recent analysis on Hong Kong judges and the National Security Law, see Congressional-Executive Commission on China, "One City, Two Legal Systems: Hong Kong Judges' Role in Rights Violations under the National Security Law," May 2023.

[36] Yuan Yang, "Hong Kong Activists in the UK Fear the Long Reach of Police Repression," *Financial Times,* January 6, 2023.

[37] Different sources use different terms to refer to these entities, such as "overseas service stations," "overseas police service stations," "110 overseas" (named after China's national emergency phone number), and "bringing you close from afar, it's 110 overseas" (*tianya ruo bilin, haiwai 110*). See, e.g., Safeguard Defenders, "110 Overseas: Chinese Transnational Policing Gone Wild," September 2022, 3, 10–11; Zheng Jiangluo, "'Tianya ruo bilin, haiwai 110,' Fuzhou gong'an anxia kuajing bianqiao fuwu 'kuai jin jian" [With "bringing you close from afar, it's 110 overseas," Fuzhou Public Security presses "fast forward" on services for overseas Chinese], *China News,* February 16, 2022. This chapter uses "service stations" as a shorthand for these various terms.

[38] Safeguard Defenders, "Patrol and Persuade: A Follow-Up Investigation to 110 Overseas," December 2022, 5. These are the Nantong Municipal Public Security Bureau, Jiangsu province; Wenzhou Municipal Public Security Bureau, Zhejiang province; Fuzhou Municipal Public Security Bureau, Fujian province; and Qingtian County Public Security Bureau, Lishui municipality, Zhejiang.

[39] Safeguard Defenders, "Patrol and Persuade: A Follow-Up Investigation to 110 Overseas," December 2022, 5; Safeguard Defenders, "110 Overseas: Chinese Transnational Policing Gone Wild," September 2022. The December report supplements information in the September 2022 report.
[40] Safeguard Defenders, "Patrol and Persuade: A Follow-Up Investigation to 110 Overseas," December 2022, 20–21.
[41] Safeguard Defenders, "14 Governments Launch Investigations into Chinese 110 Overseas Police Service Stations," November 7, 2022; Phelim Kine, Cristina Gallardo, and Joseph Gedeon, "Why China's Police State Has a Precinct near You," *Politico,* April 19, 2023; Tom O'Connor, 'France, Germany Probe China 'Police Stations' after NYC Suspects Arrested," *Newsweek,* April 20, 2023.
[42] "Britain Says China Has Closed Unofficial Police Stations in UK," *Reuters,* June 6, 2023.
[43] Office of Public Affairs, U.S. Department of Justice, "Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government," April 17, 2023.
[44] See, e.g., "Gedi zuixin huiqiao jucuo chutai: sheji huanling jiashi zheng, she qiao jiufen deng" [Latest measures benefiting overseas Chinese debut in multiple locations: involving renewing driver's licenses, disputes involving overseas Chinese, and more], *Overseas Chinese Net,* reprinted in *China News,* June 21, 2022; "Hao xiaoxi! Zai Yidali Fuzhou ji qiaobaomen, Zhongguo jiazhao guoqi deng zhexie yewu bu yong huiguo jiu ke banli la!" [Good news! Fuzhou residents abroad in Italy, you can now handle matters like expired driver's licenses without going back to China!], *ITHome,* March 30, 2022; "Fuzhou gong'an 'haiwai 110' kaitong, Niriliya Beining cheng fuwu zhan qidong" [Fuzhou public security opens "110 overseas," service station, Benin City, Nigeria service station launched], *Chinese Headlines Nigeria,* January 23, 2022.
[45] People's Public Security News, "Qingtian jingfang jiji dazao 'Fengqiao jingyan' haiwaiban" [Qingtian county police establish "Fengqiao Experience" overseas], reprinted in Xinlan Network, Zhejiang Internet, Broadcast, and Television, May 23, 2019; Safeguard Defenders, "110 Overseas: Chinese Transnational Policing Gone Wild," September 2022, 16.
[46] Safeguard Defenders, "Patrol and Persuade: A Follow-Up Investigation to 110 Overseas," December 2022, 26.
[47] "Cong Xibanya Madeli dao Qingtian 'jian qiao zhi jia' quan fan zhui tao xianyi ren" [From Madrid, Spain to Qingtian, the "home for prosecutors and overseas Chinese" persuades fugitive suspect to return], *Zhejiang Daily,* reprinted in *Baidu,* January 18, 2020; Lishui Municipal People's Procuratorate, "Jian qiao zhi jia' hengkua Ou Ya 9200 gongli shipin lianxian, chenggong quan fan fanzui xianyi ren" ["Home of Overseas Prosecutors" spanned 9200 kilometers across Europe and Asia in a video call to successfully persuade a criminal suspect to return], January 15, 2020; Safeguard Defenders, "110 Overseas: Chinese Transnational Policing Gone Wild," September 2022, 16–17.
[48] Fuzhou Municipal Public Security Bureau, "Pianzi' zai yiguo bei pian, guiqiao 'heihu' cunbu nanxing, kuaguo zhiwu qinzhan nanban . . . qing lianxi 'haiwai 110'!" [Scammers in foreign countries scammed, 'residence-less' overseas Chinese who returned can't move an inch, transnational business difficult to conduct . . . please contact "110 overseas"!], reprinted in *China Peace Net,* July 29, 2022; "Fuzhou gong'an 'haiwai 110' kaitong, Niriliya Beining cheng fuwu zhan qidong" [Fuzhou public security opens "110 overseas" service station, Benin City, Nigeria service station launched], *Chinese Headlines Nigeria,* January 23, 2022.
[49] Safeguard Defenders, "Patrol and Persuade: A Follow-Up Investigation to 110 Overseas," December 2022.
[50] "Shengwei Changwei diaoyan de zhe ge 'jingqiao liandong' daodi shi shenme" [Provincial Party Standing Committee investigates "police and overseas liaison," what does it do, after all?], Nantong Municipal Public Security Bureau, reprinted in *Jiangsu Belt and Road Portal,* July 18, 2022, saved in *archive.today,* November 23, 2022.
[51] See, e.g., Safeguard Defenders, "Involuntary Returns: China's Covert Operation to Force 'Fugitives' Overseas Back Home," January 2022, 12; Edward White and Victor Mallet, "How Xi Jinping's Anti-Corruption Crusade Went Global," *Financial Times,* February 22, 2022; Christopher Wray, Federal Bureau of Investigation, U.S. Department of Justice, "Countering Threats Posed by the Chinese Government inside the U.S.," January 31, 2022; Cholpon Orozobekova, "Kidnapped by China: Beijing's Battle against Dissidents and Free Speech," *Diplomat,* October 7, 2016. In 2018, the Party's Central Commission for Discipline Inspection authorized "persuasion to return" in the context of the PRC's international manhunts for corruption suspects. Central Commission for Discipline Inspection and National Supervisory Commission, "'Zhonghua Renmin Gongheguo Jiancha Fa' shiyi: Di liu zhang Fan Fubai Guoji Hezuo di wushi'er tiao" ["PRC Supervision Law" interpretation: Article 52 of Chapter 6—International Cooperation to Counter Corruption], July 4, 2018.
[52] Kristy Needham, "Distribution of Chinese Funds by Solomon Islands PM Raises Questions," *Reuters,* August 25, 2022.
[53] Cleo Paskal, "Former Malaita Premier (and Noted China Critic) Gets Bipartisan Support for U.S. Visa," *Diplomat,* April 1, 2023; Kristy Needham, "Distribution of Chinese Funds by Solomon Islands PM Raises Questions," *Reuters,* August 25, 2022.
[54] Hoi Man Wu, "Former Solomon Islands Official Ousted from Post 'After Turning Down Chinese Bribes,'" *Radio Free Asia,* May 2, 2023; Cleo Paskal, "Former Malaita Premier (and Noted China Critic) Gets Bipartisan Support for US Visa," *Diplomat,* April 1, 2023.
[55] Steven Chase and Robert Fife, "Trudeau Asks for Probe into CSIS Report China Targeted MPs," *Globe and Mail,* May 1, 2023; Steven Chase and Robert Fife, "CSIS Head Tells MP Michael Chong That He and Family Were Targeted by China," *Globe and Mail,* May 2, 2023; Paul Vieira, "Canada Expels Chinese Diplomat Following Alleged Threat to Conservative Lawmaker," *Wall Street Journal,* May 17, 2023; Yonette Joseph and Vivek Shankar, "China Retaliates after Canada Expels Its Diplomat amid Interference Concerns," *New York Times,* May 9, 2023.
[56] Paula Newton and Caitlin Hu, "Canada's Ex-Conservative Party Leader Says Chinese Misinformation Campaign Targeted Him in Last Election," *CNN,* May 31, 2023.

[57] Paula Newton and Caitlin Hu, "Canada's Ex-Conservative Party Leader Says Chinese Misinformation Campaign Targeted Him in Last Election," *CNN,* May 30, 2023; "Erin O'Toole: China Targeted Me in Election, Says 2021 Rival to Canada's Trudeau," *Reuters,* reprinted in *Guardian,* May 30, 2023.
[58] China Labor Watch, "Trapped: The Belt and Road Initiative and Its Chinese Workers," November 22, 2022.
[59] China Labor Watch, "Trapped: The Belt and Road Initiative and Its Chinese Workers," November 22, 2022, 2, 8.
[60] China Labor Watch, "Trapped: The Belt and Road Initiative and Its Chinese Workers," November 22, 2022, 28–29; International Labor Office, International Labor Organization, "ILO Indicators of Forced Labor," October 1, 2012; International Labor Organization, "Indicators of Trafficking of Adults for Labor Exploitation," accessed March 7, 2023.
[61] China Labor Watch, "Trapped: The Belt and Road Initiative and Its Chinese Workers," November 22, 2022, 9–13, 15–17, 19, 21–22.
[62] China Labor Watch, "Trapped: The Belt and Road Initiative and Its Chinese Workers," November 22, 2022, 58–61. See also Rachel Cheung, "Workers Keep Dying at This Chinese Nickel Mining Company in Indonesia," *Vice,* February 7, 2023.
[63] China Labor Watch, "Trapped: The Belt and Road Initiative and Its Chinese Workers," November 22, 2022, 58; Jack Hewson, "China's Virtue Dragon Joins Indonesian Nickel Rush," *Nikkei Asia,* December 7, 2016; China First Heavy Industries, "Guanyu women" [About us], accessed March 6, 2023; "China First Heavy Industries (CFHI)," *China Daily,* April 22, 2019.
[64] Rachel Cheung, "Workers Keep Dying at this Chinese Nickel Mining Company in Indonesia," *Vice,* February 7, 2023.
[65] Damien Cave, "China's Mad Dash into a Strategic Island Nation Breeds Resentment," *New York Times,* January 24, 2023.
[66] Damien Cave, "China's Mad Dash into a Strategic Island Nation Breeds Resentment," *New York Times,* January 24, 2023.
[67] Fermín Koop, "Latam NGOs Raise Concerns on Chinese Investments to U.N. Body," *Diálogo Chino,* March 17, 2023; International Service for Human Rights et al., "China: Human Rights and Chinese Business Activities in Latin America," February 2023, 6, 14, 24; U.S.-China Economic and Security Review Commission, "2021 Report to Congress," November 2021, 214, 220, 228–29. The report lists 13 Chinese companies and 6 Chinese financiers responsible for 14 development projects in 9 Latin American countries. All of the firms in question are under the control and jurisdiction of the PRC government.
[68] International Service for Human Rights et al., "China: Human Rights and Chinese Business Activities in Latin America," February 2023, 6, 14, 24; Amazon Watch, "U.N. Human Rights Committee Calls on China for Mechanisms to Investigate and Punish Harmful Activities of Its Companies and Banks Abroad," March 15, 2023; Fermín Koop, "Latam NGOs Raise Concerns on Chinese Investments to U.N. Body," *Diálogo Chino,* March 17, 2023.
[69] International Service for Human Rights et al., "China: Human Rights and Chinese Business Activities in Latin America," February 2023, 6, 14, 24; Amazon Watch, "U.N. Human Rights Committee Calls on China for Mechanisms to Investigate and Punish Harmful Activities of Its Companies and Banks Abroad," March 15, 2023.
[70] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices: Zimbabwe," March 20, 2023.
[71] Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices: Zimbabwe," March 20, 2023.
[72] Human Rights Watch, "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms," September 5, 2017; Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 16, 2022), 355–56.
[73] Office of the U.N. High Commissioner for Human Rights, "OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," August 31, 2022; Emma Farge, "Exclusive: China Seeks to Stop U.N. Rights Chief from Releasing Xinjiang Report—Document," *Reuters,* July 19, 2022.
[74] Emma Farge, "Exclusive: China Seeks to Stop U.N. Rights Chief from Releasing Xinjiang Report—Document," *Reuters,* July 19, 2022.
[75] Yuan Yang and Henry Foy, "Under Tremendous Pressure': The Battle behind the U.N. Report on China's Xinjiang Abuses," *Financial Times,* September 14, 2022.
[76] Office of the U.N. High Commissioner of Human Rights, CEDAW—Convention on the Elimination of All Forms of Discrimination against Women 85 Sessions (08 May 2023–26 May 2023), Country: China, Info from Civil Society Organizations (for the session), accessed April 2023. These organizations include the ACFTU Women Workers' Committee, Center for Human Rights Studies at the Chinese Academy of Social Sciences, China Association for NGO Cooperation, China Association of Marriage and Family Studies, China Disability Research Society, China Ethnic Minorities' Association for External Exchanges, China Family Planning Association, China Population and Development Research Center, China Union of Anthropological and Ethnological Sciences, China Women Judges Association, China Women's University, China Women's Development Foundation, China Women's Research Association, Female Lawyers Association of the All China Lawyers' Association, Global Women's Development Institute of China Women's University, Human Rights Institute of Southwest University of Political Science and Law, Women's Law Research of Beijing Law Society, and Women's Studies Institute of China.
[77] Vincent Ploton and Sarah M. Brooks, International Service for Human Rights, "China and U.N. Treaty Body System," December 2022, 15.

XIII. Additional Views of Commission Members

Additional Views of Chairman Christopher H. Smith (joined by Senator Marco Rubio, Senator Tom Cotton, Representative Ryan K. Zinke, and Representative Brian Mast)

The Congressional-Executive Commission on China (CECC) maintains bipartisan unity with regards to documenting human rights abuses by the People's Republic of China (PRC). Nonetheless, some views do diverge, reflective of larger divisions on social and political issues in the United States.

In the 2021 and 2022 reporting year, former Commissioner Senator James Lankford issued Additional Views, noting *inter alia* that the citation of non-binding recommendations of United Nations treaty monitoring bodies and independent experts divert attention away from the PRC's failure to meet its hard-law obligations contained in treaties duly ratified. Such concerns, which have not been addressed fully in this reporting year, are shared by those who join these Additional Views. Moreover, for avoidance of confusion, insofar as the report cites non-binding recommendations of the monitoring bodies for treaties ratified by the PRC but which the United States has declined to ratify, such recommendations are entirely without probative value with respect to discerning the United States' obligations under international law.

Furthermore, the report continues to elevate disproportionately issues important to certain domestic, partisan constituencies, to the detriment of those Chinese citizens who suffer from the grossest violations of human rights. With respect to reporting on those who identify as members of the LGBTQ community, it is important to note that such individuals continue to have recourse to the judicial system, which, although flawed, allows them to adjudicate grievances, something which is denied members of disadvantaged groups, such as predominantly-Muslim Central Asians, including Uyghurs, Kazakhs and Kirghiz, and practitioners of religions that are persecuted by the Chinese Communist Party, such as the Falun Gong. Consistent with the overall crackdown on civil society organizations, on which we report, the space for organizations that fall under the LGBTQ umbrella is constricting. Individuals, however, are not imprisoned on the basis of their perceived sexual orientation, and social spaces still exist and are not subject to restrictions akin to those borne by members of religions that are unregistered or designated "evil cults."

We also have concern that the reporting on this particular social issue, which remains controversial in the United States, will be used improperly to leverage certain positions in intra-American debates. We remain particularly concerned at the use of an elastic "non-discrimination" principle that can be used to undermine freedoms that have been deemed fundamental since the drafting of the U.S. Constitution, in particular freedom of religion and freedom of speech.

In terms of the next report, such imbalances must be addressed and resolved. In addition, there is a need to move away from a model which presumes that the PRC is moving towards adherence to a rules-based international order and instead provides a more

clear-eyed assessment of its intentions as expressed through its actions.

Thus we vote in favor of this annual report, with the inclusion of this statement.

Additional Views of Senator Jeff Merkley and Representative Jim McGovern

Throughout its 22-year history, the Congressional-Executive Commission on China (the Commission) has gained a reputation for producing accurate, thorough and well-sourced reporting on developments in human rights and rule of law in the People's Republic of China (PRC). The Commission's work products are cited by Members of Congress, executive branch policymakers, advocates and experts, and immigration lawyers supporting asylum claims of those fleeing persecution in China.

The Commission's reputation for quality and integrity is due to the dedication of the hard-working, non-partisan Commission staff who are experts in their field. As former chairs of the Commission, we have seen this dedication first-hand, and recognize that the positive contributions made by the Commission over the last two decades would not be possible without the staff's commitment to accuracy and faithful adherence to the Commission's mandate.

This mandate requires the Commission to "monitor the acts of the People's Republic of China which reflect compliance with or violation of human rights, in particular, those contained in the International Covenant on Civil and Political Rights [ICCPR] and in the Universal Declaration of Human Rights [UDHR]" and "monitor the development of the rule of law in the People's Republic of China."

Throughout the Commission's history, the staff, guided by this mandate, have employed international human rights standards as the benchmark against which to assess the PRC government's behavior. To this end, they have looked to the places where such standards are codified, debated and adjudicated: United Nations conventions, treaties and declarations; UN treaty bodies including the Human Rights Committee, charged with monitoring compliance with the ICCPR; and the UN Human Rights Council. They rely on the work of international human rights practitioners, including UN special procedures mandate-holders, major non-governmental organizations and academic and legal experts on international human rights law.

The respect that the Commission has commanded for the integrity of its work is due to its rigorous adherence to these standards - standards that are determined by international law independent of domestic political considerations.

We are concerned that there are efforts underway to constrict or redefine the standards by which the Commission assesses the PRC's behavior, represented, for example, by the additional views submitted by a former Commissioner in the previous two annual reports of the Commission.

One argument that has been made is that the Commission should focus on the most egregious human rights abuses by the PRC. But the Commission's mandate is framed by the UDHR which encompasses the full range of civil, political, economic, social and cultural rights recognized internationally. The mandate pro-

vides no basis for the Commission to focus attention only on "egregious" abuses, the definition of which would inevitably be subject to debate and arbitrariness.

A second argument is that the Commission's focus should be limited to the PRC's so-called "hard law" obligations, with a related complaint that it is inappropriate to cite UN treaty monitoring bodies and other independent experts whose findings are generally not binding.

There are a number of problems with this argument and the related critiques, beginning with the fact that the UDHR is a declaration, not a treaty, and that the PRC has not ratified the ICCPR. If the Commission were limited to a "hard law" standard, it would thus put itself out of compliance with its own mandate and would be unable to assess China's behavior with regard to the two instruments specifically cited therein.

Second, when a country ratifies a human rights treaty, its first obligation is to translate the treaty commitments into domestic law; that is how the commitments become justiciable. That the PRC often fails to do this is an obstacle to those commitments becoming "hard law" at the domestic level. It makes no sense to give the PRC a pass on compliance with its rights obligations because it actively chooses not to make those obligations justiciable.

Third, in the absence of strong domestic laws to enforce rights obligations, victims' only recourse is to precisely those UN mechanisms - the treaty bodies and other independent experts - that some argue should not be cited at all. To adopt a "hard law" standard is to tell the people of China that they should not be able to seek remedy within the international human rights system when their own government denies them remedy under its own law.

Taken together, the effect of these views would put the Commission in the position of explicitly instructing the PRC as to which human rights standards it is free to ignore. We do not believe that most Commissioners, much less the advocates and survivors we work with, think the Commission should be in the business of letting the PRC off the hook.

A third argument is that the Commission's annual report has become a platform for arbitrating social and political issues that are contentious in the U.S., which were it true, should presumably be avoided. We concur. This is why adherence to international human rights standards is so critically important.

This Commission has received expert testimony on the ways in which the Chinese government, under direction of the Communist Party, is attempting to change the definition of human rights to suit its own purposes and ideology. Just as the PRC must not be allowed to redefine human rights to its liking, neither should the United States.

A clear example of the latter was the 2020 report of the "Commission on Unalienable Rights" convened by the State Department under Secretary Mike Pompeo. That body, based on a particular and limited reading of U.S. history, posited a hierarchy of human rights that privileged property rights and religious liberty, a conception starkly different from the corpus of international human rights law developed through the UN system. The effect of the adoption of such a conception would be to posit that the discrimina-

tion suffered by a religious believer is legitimate while discrimination suffered by an LGBTQ person is not. This is tantamount to viewing human rights through the lens of domestic politics rather than the lived experience of people in China and elsewhere.

It would be grave disservice, and a dereliction of duty, to people in China if the Commission were to take the position that the human rights that they should be able to enjoy are limited to those that some politicians in the United States say they are entitled to, rather than to the full range to which they are entitled to under international human rights law. Such a position would mimic the behavior of the Chinese Communist Party, and we reject it.

Additional Views of Senator Dan Sullivan

The Commission has produced a very valuable compendium highlighting abuses of universal human rights - as is its annual tradition. From Hong Kong to Xinjiang to religious liberty, the report establishes an excellent basis for congressional action. I will carefully consider the many recommendations for policy over the coming year.

I have two primary concerns with the report:

First, the Commission's statutory mandate singles out two United Nations documents against which to evaluate the state of human rights in China: the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights. However, the report cites several additional UN conventions. These include the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights, none of which have been ratified by the U.S. Senate. All existed prior to the adoption of the Commission's creation in 2000, and Congress explicitly excluded them from consideration.

It makes little sense to cite Chinese compliance with documents over which there is no consensus in the United States itself. Citing them implies the Commission's consent to their contents, something the Senate has not provided.

Second, environment and climate change are not a part of the Commission's statutory mandate. This is for good reason, as they are not human rights issues. I appreciate the Commission's cooperation in modifying certain report language. However, there is no basis in the Commission's mandate to address emissions, the Global Methane Pledge, or any other environmental issue.

Expanding the Commission's focus to additional areas beyond its statutory mandate risks opening it to an ever-expanding set of issues in an increasingly adversarial U.S.-China relationship. In turn, this risks drawing focus away from its critical focus on human rights.

For these reasons, despite the fine work the Commission staff has put into this report and the vast majority of it with which I agree, I abstain from voting on this year's report.